

# CITY OF WOODBURN

## CITY COUNCIL AGENDA

OCTOBER 9, 2006 – 7:00 P.M.

KATHRYN FIGLEY, MAYOR  
WALTER NICHOLS, COUNCILOR WARD I  
RICHARD BJELLAND, COUNCILOR WARD II  
PETER MCCALLUM, COUNCILOR WARD III  
JAMES COX, COUNCILOR WARD IV  
FRANK LONERGAN, COUNCILOR WARD V  
ELIDA SIFUENTEZ, COUNCILOR WARD VI

CITY HALL COUNCIL CHAMBERS – 270 MONTGOMERY STREET

1. CALL TO ORDER AND FLAG SALUTE
2. ROLL CALL
3. ANNOUNCEMENTS AND APPOINTMENTS

Announcements:

- A. The Woodburn Memorial Aquatic Center will be closed for annual maintenance from October 22 through November 5, 2006.
- B. The public is invited to a Community Center Outreach Meeting on Thursday, October 24 at 6:30 p.m. at the Woodburn Public Library to discuss the design of two recreation facilities with Carleton Hart Architecture. The two recreation facilities include the expansion of the Woodburn Aquatic Center, and the development of a new Community Cultural Center.

Appointments:

None.

4. PROCLAMATIONS/PRESENTATIONS

Proclamations:

- A. Domestic Violence Awareness Month

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Presentations:

- B. Domestic Violence – Jane Downing, Executive Director Mid Valley Women's Crisis Center and Walt Beglau, Marion County District Attorney

5. COMMITTEE REPORTS

- A. Chamber of Commerce
- B. Woodburn School District

*“Habrá intérpretes disponibles para aquellas personas que no hablan Inglés, previo acuerdo. Comuníquese al (503) 980-2485.”*

## 6. COMMUNICATIONS

None.

7. **BUSINESS FROM THE PUBLIC** – *This allows the public to introduce items for Council consideration not already scheduled on the agenda.*

8. **CONSENT AGENDA** – *Items listed on the consent agenda are considered routine and may be enacted by one motion. Any item may be removed for discussion at the request of a Council member.*

- |    |  |           |
|----|--|-----------|
| A. | <b>Woodburn City Council minutes of September 25, 2006, regular and executive sessions</b> | <b>2</b>  |
|    | <u>Recommended Action:</u> Approve the minutes.  |           |
| B. | <b>Woodburn Planning Commission draft minutes of September 28, 2006</b>                    | <b>8</b>  |
|    | <u>Recommended Action:</u> Accept the draft minutes.                                       |           |
| C. | <b>Planning Project Tracking Sheet dated October 5, 2006</b>                               | <b>15</b> |
|    | <u>Recommended Action:</u> Receive the report.   |           |
| D. | <b>Building Activity for September 2006</b>  | <b>16</b> |
|    | <u>Recommended Action:</u> Receive the report.   |           |
| E. | <b>Fall Leaf Collection Program</b>  | <b>17</b> |
|    | <u>Recommended Action:</u> Information only.   |           |

## 9. TABLED BUSINESS

None.

## 10. PUBLIC HEARINGS

- |    |  |           |
|----|--|-----------|
| A. | <b>Community Development Block Grant Application Public Hearing</b>  | <b>19</b> |
|    | <u>Recommended Action:</u> Conduct a public hearing to review the results of the Hazelwood Estates project with the citizens of Woodburn, and to take comments on the City's performance as part of the Community Development Block Grant close-out process. |           |

11. **GENERAL BUSINESS** – Members of the public wishing to comment on items of general business must complete and submit a speaker's card to the City Recorder prior to commencing this portion of the Council's agenda. Comment time may be limited by Mayoral prerogative.
- A. Curbside Recycling Proposal** 21  
Recommended Action: Consider United Disposal's proposal for an enhanced curbside recycling program, and determine Council policy.
- B. Council Bill 2643 – Ordinance prohibiting graffiti and the possession of graffiti implements; creating the offense of failure to supervise a minor committing graffiti violations; providing for the abatement of graffiti nuisance property; and repealing Ordinance 2173** 33  
Recommended Action: Adopt the ordinance.
- C. Council Bill 2644 - Resolution of the City Council of the City of Woodburn, Oregon approving the actions of the Board of Directors of the hospital facility authority of the City of Silverton, Oregon; and related matters** 40  
Recommended Action: Adopt the resolution.
- D. Liquor License New Outlet** 52  
Recommended Action: Recommend that the OLCC approve a New Outlet application for The Bistro at Wellspring.
- E. Liquor License New Outlet** 55  
Recommended Action: Recommend that the OLCC approve a New Outlet application for The Cactus Grill Taqueria and Restaurant #2.
- F. Agreement for Consulting Services with Winterbrook Planning** 58  
Recommended Action: Authorize the City Administrator to execute the Amended Agreement for Consulting Services with Winterbrook Planning, and any related documents, for fiscal year 2006-07.

12. **NEW BUSINESS**

**13. PLANNING COMMISSION OR ADMINISTRATIVE LAND USE ACTIONS** – *These are Planning Commission or Administrative Land Use actions that may be called up by the City Council.*

- A. Planning Commission's Approval of Partition 06-04, Variance 06-07, and Variance 06-13, located at 847 N. Cascade Drive**

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**14. CITY ADMINISTRATOR'S REPORT**

**15. MAYOR AND COUNCIL REPORTS**

**16. EXECUTIVE SESSION**

- A. To consult with counsel concerning the legal rights and duties of a public body with regard to current litigation or litigation likely to be filed pursuant to ORS 192.660 (1)(h).
- B. To consider records that are exempt by law from public inspection pursuant to ORS 192.660 (1)(f).
- C. To conduct deliberations with persons designated by the governing body to carry on labor negotiations pursuant to ORS 192.660(1)(d).
- D. To review and evaluate, pursuant to standards, criteria and policy directives adopted by the governing body, the employment-related performance of the chief executive officer of any public body, a public officer, employee or staff member unless the person whose performance is being reviewed and evaluated requests an open hearing pursuant to ORS 192.660 (1)(i).

**17. ADJOURNMENT**



# PROCLAMATION

## DOMESTIC VIOLENCE AWARENESS MONTH

**Whereas**, domestic violence is pervasive in our society and our communities; and

**Whereas**, survivors of domestic violence are subject to systematic terrorism at the hands of their partners resulting in untold physical and social costs; and

**Whereas**, more than 1,600 reports of domestic violence are received into the Marion County District Attorney's office in the last year; and

**Whereas**, Mid-Valley Women's Crisis Service receives approximately 10,000 calls each year; and

**Whereas**, more than 250 survivors walk into Mid-Valley Women's Crisis Service for help each year; and

**Whereas**, between 250 and 500 women and children live in Mid-Valley Women's Crisis Service's shelter each year; and

**Whereas**, two out of every three residents of the shelter are children;

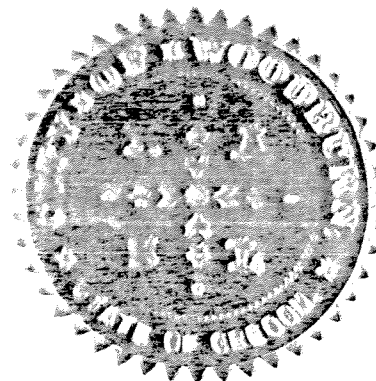
**NOW, THEREFORE**, I, Kathryn Figley, Mayor of the City of Woodburn, Oregon, do hereby proclaim the month of October 2006 as

### Domestic Violence Awareness Month

**And resolves** that as a community we will continue to work to provide a safe haven for survivors of domestic violence and their children by offering hope, empowerment and assistance in restoring their lives.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the seal of the City of Woodburn to be affixed this 4<sup>th</sup> day of October 2006.

Kathryn Figley, Mayor  
City of Woodburn



**COUNCIL MEETING MINUTES  
SEPTEMBER 25, 2006**

**TAPE  
READING**

**0001 DATE. COUNCIL CHAMBERS, CITY HALL, CITY OF WOODBURN,  
COUNTY OF MARION, STATE OF OREGON, SEPTEMBER 25, 2006.**

**0025 ROLL CALL.**

Mayor	Figley	Present
Councilor	Bjelland	Present
Councilor	Cox	Present
Councilor	Loneragan	Present
Councilor	McCallum	Present
Councilor	Nichols	Present
Councilor	Sifuentez	Present

**Staff Present:** City Administrator Brown, City Attorney Shields, Public Works Director Tiwari, Community Development Director Allen, Police Chief Russell, Recreation Services Manager Patterson, Public Works Manager Rohman, City Recorder Tennant

**0058 ANNOUNCEMENTS.**

**A) Woodburn Public Library** upcoming activities:

- 1) Spanish storytime on Tuesdays at 4:30 pm beginning September 26, 2006;
- 2) Infant / Toddler time on Tuesdays at 10:30 am beginning October 3, 2006; and
- 3) Family storytime with short stories and crafts on September 30, 2006.

**0110 CONSENT AGENDA.**

**A)** approve regular and executive session Council minutes of September 11, 2006;

**B)** accept the draft Planning Commission minutes of September 14, 2006;

**C)** accept the draft Library Board minutes of September 13, 2006;

**D)** receive the claims for August 2006;

**E)** receive the Building Activity report for August 2006;

**F)** receive the Library monthly report for August 2006;

**G)** receive the Canby Transit Ridership report on the Canby to Woodburn service; and

**H)** receive the Tree Removal Request report (1289 Astor Way).

Councilor Cox stated that he had reviewed the tree removal report and concurs with the recommendation that the tree be professionally pruned. The property owner had requested removal of the tree but staff did follow procedures in evaluating this request and a staff recommendation was made based on the Arborist's report.

Councilor McCallum also stated that he had found the Arborist's report more informative than some of the arborist reports received in the past.

**COX/NICHOLS...** acceptance and adoption of the Consent Agenda. The motion passed unanimously.

**COUNCIL MEETING MINUTES  
SEPTEMBER 25, 2006**

**TAPE  
READING**

**0229 COUNCIL BILL NO. 2640 - ORDINANCE ESTABLISHING RULES OF CONDUCT FOR THE WOODBURN PUBLIC LIBRARY; PROVIDING FOR ENFORCEMENT PROCEDURES AND AND EXCLUSION PROCESS.**

Councilor Sifuentez introduced Council Bill No. 2640. Recorder Tennant read the two readings of the bill by title only since there were no objections from the Council.

Councilor Cox stated that the proposed ordinance appears to be appropriate, however, he objected to the inclusion of the emergency clause since the reason for the emergency, as stated in the emergency clause, no longer exists since school is already in session. He expressed his opinion that the public has a right to file a referendum petition and, unless he is convinced otherwise, would be voting no on this Council Bill at this particular meeting.

Councilor McCallum stated that, as a former School Administrator, he understands the staff's desire to get this ordinance adopted as soon as possible. He felt that it was unfortunate to have to adopt this ordinance since people have a right to access the Library but there are some people who are not being responsible and staff needs to have the ability to take appropriate action when the need arises.

Administrator Brown stated that this issue came to his attention more recently during the Library Manager recruitment process and staff has been working diligently to get the ordinance drafted and reviewed by the Library Board. Staff had intended to get the ordinance before the Council prior to the start of school, however, the Library Board did not meet until the middle of September 2006 and the sooner the bill is adopted the less likely problems will arise that cannot be dealt with as needed thereby creating less disruption for other patrons.

Councilor Cox reiterated that he did not object to the proposed ordinance but felt that the reason for the emergency was not applicable.

On roll call vote for final passage, the bill passed unanimously. Mayor Figley declared Council Bill 2640 duly passed with the emergency clause.

**0622 COUNCIL BILL NO. 2641 - RESOLUTION ENTERING INTO GRANT AGREEMENT NO. 23344 WITH THE STATE OF OREGON FOR TRANSIT SERVICES.**

Councilor Sifuentez introduced Council Bill No. 2641. The bill was read by title only since there were no objections from the Council. On roll call vote for final passage, the bill passed unanimously. Mayor Figley declared Council Bill 2641 duly passed.

**0653 COUNCIL BILL NO. 2642 - RESOLUTION AUTHORIZING TRANSFER OF OPERATING CONTINGENCY APPROPRIATIONS DURING FISCAL YEAR 2006-07 (Winterbrook Planning Amended Agreement for Consulting Services).**

Council Bill No. 2642 was introduced by Councilor Sifuentez. Recorder Tennant read the bill by title only since there were no objections from the Council.

Councilor Lonergan questioned how long staff would expect the need for consulting services for the City's comprehensive plan periodic review tasks.

**COUNCIL MEETING MINUTES  
SEPTEMBER 25, 2006**

**TAPE  
READING**

Administrator Brown stated that he hoped this project would be concluded by the end of this calendar year, however, it could be extended for any length of time if protracted hearings, remands, or various levels of appeals occur. Over time, the City can rely less on the consulting service but our Community Development Director needs additional time to familiarize himself with the record which is very extensive. In all likelihood, the City will need to maintain some attachment to this consultant for this project but the goal is to minimize the service needs in the future. This amendment provides for an additional cost in fiscal year 2006-07 of \$6,000 since \$4,000 had been set aside in the previous fiscal year but these dollars had not been appropriated in the current budget. The proposed bill will transfer General Fund operating contingency funds to the Planning Division to pay the full amount of the amended agreement (\$10,000).

Councilor Cox stated that the periodic review process will go on for sometime but, in his opinion, Greg Winterowd and his firm have done an excellent job on this project. On roll call vote for final passage, the bill passed unanimously. Mayor Figley declared Council Bill 2642 duly passed.

**0959 COMMENT ON PROPOSED 2008-2011 STIP (STATEWIDE  
TRANSPORTATION IMPROVEMENT PLAN).**

**NICHOLS/LONERGAN...** authorize the Mayor to send the attached letter supporting inclusion of the Woodburn I-5 modernization project in the 2008-2011 STIP to the Mid-Willamette Valley Commission on Transportation (MWACT).

Councilor Nichols expressed his opinion that it was an excellent letter for submittal to MWACT.

Councilor McCallum expressed his appreciation for the background information included in the letter and to Councilor Bjelland for his work on the Commission.

Councilor Bjelland agreed that it was a very well-prepared letter and staff report on the subject which will be very informative for the new MWACT members who are not familiar with this project which will serve North Marion County.

The motion passed unanimously.

**1078 PLANNING COMMISSION OR ADMINISTRATIVE LAND USE ACTIONS.**

**A) Planning Commission's approval of Conditional Use 06-01, Design Review 06-08, Phasing Plan 06-01, and Variance 06-10 located at 575 and 591 Gatch Street (Arthur Academy Charter School).**

Councilor Lonergan questioned if private schools are on the tax rolls.

Administrator Brown stated that he did not believe that they were on the tax rolls but will report back to the Council.

No action was taken by the Council to bring this land use action up for review.

**COUNCIL MEETING MINUTES**  
**SEPTEMBER 25, 2006**

**TAPE**  
**READING**

**1190 CITY ADMINISTRATOR'S REPORT.**

- 1) Administrator Brown mentioned that Public Works Manager Rohman wrote the letter to MWACT and he appreciated Mr. Rohman's quick turn-around time in preparing the letter.
- 2) Administrator Brown also stated that the Recycling Program will be on the next meeting agenda for additional discussion. Staff will be contacting individuals who have asked to be notified when this subject would be discussed by the Council and hopefully a decision on this issue can be made within the near future.

**1267 MAYOR AND COUNCIL REPORTS.**

Councilor Nichols expressed his appreciation for the copy of the report titled "The New Pluralism in Woodburn, Oregon" which was recently provided to the City. The study was published in September 2006 but was actually conducted in 2003-04 and, even though some information is now outdated, he felt that the report was very interesting, well-written, and easy to follow.

Administrator Brown stated that a copy of the report has been provided to the Library's Reference Desk so interested citizens can review the document.

Mayor Figley also felt that it was interesting to see what an outside academic team's perspective is on Woodburn as a community which was quite positive.

Councilor McCallum stated that he had spent last week back in Washington D.C. for the American Cancer Society's Celebration on the Hill. He was very proud to see Woodburn's Relay for Life banner hanging with all of the other banners around the country. He reported that Woodburn's Relay for Life 2006 event raised over \$118,000.

Councilor Bjelland stated that he had been an invited speaker at the 2006 Diversity Conference held in Salem which was attended by over 1,000 individuals. He briefly referred to the report on the Woodburn community and stated that the demographic changes taking place and the continuing diversity of population and its impacts is being seen by communities throughout most of Oregon.

Councilor Sifuentez stated that she went to the presentation on the report and the authors will eventually write a book that will include much more information. She is very proud to be able to share information that involves Woodburn to other citizens of Oregon. She also encouraged the City to put the report on the City's website.

Councilor Cox stated that he was also impressed with the report and would highly recommend the report to be read by individuals interested in knowing how things are now in our community and the directions we are heading.

Councilor Cox also mentioned that the attendance by local AFSCME employees has been noted.

Mayor Figley stated that she was very impressed with the Dance Troupe performing at the Mexican Celebration last week and she thanked everyone involved in putting together this annual 2-day event.

**COUNCIL MEETING MINUTES**  
**SEPTEMBER 25, 2006**

TAPE  
READING

1674 **EXECUTIVE SESSION.**

Mayor Figley entertained a motion to adjourn to executive session under the authority of ORS 192.660(1)(d).

**NICHOLS/MCCALLUM...** adjourn to executive session under the statutory authority cited by the Mayor. The motion passed unanimously.

The Council adjourned into executive session at 7:29 p.m. and reconvened at 7:54 p.m..

1690 Mayor Figley stated that no action was taken by the Council during the executive session.

1695 **ADJOURNMENT.**

**MCCALLUM/BJELLAND...** meeting be adjourned. The motion passed unanimously. The meeting adjourned at 7:55 p.m..

APPROVED \_\_\_\_\_  
KATHRYN FIGLEY, MAYOR

ATTEST \_\_\_\_\_  
Mary Tennant, Recorder  
City of Woodburn, Oregon

**Executive Session  
COUNCIL MEETING MINUTES  
SEPTEMBER 25, 2006**

**DATE. CONFERENCE ROOM, CITY HALL, CITY OF WOODBURN, COUNTY OF MARION, STATE OF OREGON, SEPTEMBER 25, 2006.**

**CONVENED.** The Council met in executive session at 7:33 p.m. with Mayor Figley presiding.

**ROLL CALL.**

Mayor	Figley	Present
Councilor	Bjelland	Present
Councilor	Cox	Present
Councilor	Lonergan	Present
Councilor	McCallum	Present
Councilor	Nichols	Present
Councilor	Sifuentes	Present

Mayor Figley reminded the Councilors and staff that information discussed in executive session is not to be discussed with the public.

Staff Present: City Administrator Brown, City Attorney Shields, City Recorder Tennant

The executive session was called under the statutory authority of ORS 192.660 (1)(d) to conduct deliberations with persons designated by the governing body to carry on labor negotiations.

**ADJOURNMENT.**

The executive session adjourned at 7:52 p.m..

APPROVED \_\_\_\_\_  
KATHRYN FIGLEY, MAYOR

ATTEST \_\_\_\_\_  
Mary Tennant, Recorder  
City of Woodburn, Oregon

**WOODBURN PLANNING COMMISSION MEETING MINUTES**  
**September 28, 2006**

**CONVENED** The Planning Commission met in a regular session at 7:00 p.m. in City Hall Council Chambers with Chairperson Lima presiding.

Commissioner Jennings led the salute to the flag.

Chairperson Lima questioned members of the Planning Commission having potential conflicts such as family, financial, or business relationship with any of the applicants or with regard to the project in question. If such a potential conflict exists, he asked whether the commission in question believes he or she is without actual bias or whether he or she would like to step down from the Planning Commission during the case.

Chairperson Lima announced: agenda is available at the back of the room. We will consider cases one at a time according to the order listed in the agenda. We will follow the hearing procedure outlined on the public hearing procedure board. All persons wishing to speak are requested to come to the podium and give their name and address. Any individuals speaking from other than the podium will not be recognized.

**ROLL CALL**

<b>Chairperson</b>	<b>Lima</b>	<b>P</b>
<b>Vice Chairperson</b>	<b>Bandelow</b>	<b>P</b>
<b>Commissioner</b>	<b>GrosJacques</b>	<b>A</b>
<b>Commissioner</b>	<b>Vancil</b>	<b>P</b>
<b>Commissioner</b>	<b>Grigorieff</b>	<b>P</b>
<b>Commissioner</b>	<b>Hutchison</b>	<b>P</b>
<b>Commissioner</b>	<b>Jennings</b>	<b>P</b>

Staff Present: Community Development Director Allen  
 Jason Richling – Associate Planner  
 Jon Stuart – Assistant City Attorney  
 Marta Carrillo – Administrative Assistant

**MINUTES**

- A. Woodburn Planning Commission Meeting Minutes of September 14, 2006.**  
Vice-Chairperson Bandelow moved to accept the minutes as written with minor changes.  
Commissioner Grigorieff seconded the motion, which unanimously carried.

**BUSINESS FROM THE AUDIENCE**

None.

**COMMUNICATIONS**

- A. Woodburn City Council Meeting Minutes of August 14, 2006.

No comments made.

**PUBLIC HEARING**

Chairperson Lima asked the Planning Commission if there are any exparte contacts, conflicts,  
*Planning Commission Meeting September 28, 2006*



challenges or declarations. None.

- A. Partition 06-04, Variance 06-07 and Variance 06-13, Request for preliminary partition approval to partition the property located at 847 N. Cascade Drive into three (3) parcels, variance to orient Parcel #1 toward the shared access easement instead of Cascade Drive and variance to the street improvements on N. Cascade Drive, Evan Nikiforoff, applicant.

(Staff recommends approval of Partition 06-04, Variance 06-07 and Variance 06-13 subject to the conditions of approval listed in the staff report.)

Associate Planner Richling read the appropriate ORS and proceeded with the Staff Report.

## STAFF REPORT

### *Slide #2*

The subject property is located at 847 N. Cascade Drive, is approximately 0.57 acre and identified as Tax Lot 2002 on Marion County Assessor Map Township 5 South, Range 2 West, Section 12DA. There are no wetlands located on the site and is located outside the 500 year FEMA flood plain. The property is zoned Single-Family Residential (RS) and designated residential fewer than 12 units per acre on the Comprehensive Plan Map.

### *Slide #3*

The properties to the north and south of the site are zoned Medium-Density Residential (RM) and Retirement Community Single-Family Residential (R1S) and designated Residential Greater than 12 Units Per Acre and Residential Less than 12 Units Per Acre on the Woodburn Comprehensive Plan Map. The property to the north is currently vacant and the property to the south is developed with a single-family dwelling. The property to the west and southwest is zoned Public and Semi-Public (P/SP), designated Open Space and Parks on the Comprehensive Plan Map and is developed as the Senior Estates County Club Golf Course. The property to the east (across N. Cascade Drive) is zoned RM, designated Commercial on the Comprehensive Plan Map, and is the location of the Cascade Park Retirement Center.

### *Slide #4 (Aerial Photo)*

The property is currently developed as a single-family dwelling with a detached accessory structure. The applicant proposes to remove the existing single-family dwelling and detached accessory structure and partition the subject lot into 3 parcels. The parcels range in size from 6,200 to 7,688 sq. ft. in area.

### *Slide #5*

Parcels 2 & 3 are flag lots and parcel 1 is an interior lot. All 3 are designed to share a 24-foot access easement. There are 5 significant walnut trees located on the property. A condition of approval requires that they be retained on the site, until the final plat is recorded.

The applicant's request met all the applicable standards of the WDO with exception of the proposed orientation of lot 1 toward the shared access easement rather than N.

Cascade Drive and meeting the boundary connecting street improvement requirement for Cascade Drive.

Parcel 1 abuts N. Cascade Drive and proposed to be oriented towards the access easement. The proposed partition is an infill development. The existing configuration of the property and surrounding developments preclude augmentation of the property to meet the 100-foot average minimum lot depth standard for parcel 1. If measured in accordance with the WDO, the lot depth would be 75 feet and lot width would be 100 feet. Lot area measures out to be about a 7400 sq. ft. lot and exceeds the minimum lot size for an interior lot in the RS zone.

Staff is in support of the variance as it does maximize the infill site and allows the design to have one access drive rather than 2 for the 3 lots.

*Slide #5*

The second variance is to the boundary and connecting of the street improvement to Cascade Drive. Cascade Drive is designated as an access street with parking. The abutting portion of Cascade Drive incorporates a 60-foot right of way; 34-foot improved surface; 5-foot parkway strip and 5-foot sidewalk on the east side and 5-foot curb line sidewalk abutting the subject property. Currently, improvements do not meet the 70-foot right of way requirement; 44-foot improved road service; 8-foot parking spaces; 4 ½ -foot parkway strips and 6-foot sidewalks on both sides for an access street with parking. The final draft of the TSP, which was approved as a part of the City's current Period Review package, reclassifies N. Cascade Drive from an access street to a local residential street.

*Slide #3*

The existing right of way does meet the cross sectional requirement for a local street. The street does have parking on both sides of the street. It is worth noting that the existing improvements to Cascade Drive abutting the site do meet the cross section for an access street with bike lanes only. The bike lanes have a different dimension, but the area does have the improvement capability, but currently is designed for parking without bike lanes.

Information in the staff report, information provided by the applicant and applicable review criteria findings necessary to approve the proposal can be made. Therefore, staff recommends approval of Partition 06-04, Variance 06-07 and Variance 06-13 subject to the conditions of approval listed in the staff report.

He concluded his presentation and was available for questions.

Commissioner Jennings asked if the project resembled a project reviewed at 917 Cascade Drive.

Associate Planner Richling stated that project was similar in nature to the 917 Cascade Drive Partition.

Vice-Chairperson Bandelow asked about the condition of approval referencing the walnut trees and retained at the recording of the plat. Once the property changes hands the trees will be conserved until that point?

Associate Planner Richling stated that the significant tree conservation requirements in the WDO are based on the size of the parcel and currently they are allowed to remove one tree per calendar year or submit for a significant tree removal permit. Once a parcel is under a half acre in size, the limit is 3 significant trees per calendar year. The new property owners will not be required to build around the trees and they can be removed if desired.

Evan Nikiforoff, 712 Cliff Ct., Silverton, Oregon 97981, applicant. He is the property owner and stated that he agreed with the staff report.

Commissioner Hutchison asked about the partitioning of the property and what will be the plans with the walnut trees.

Nikiforoff stated that a couple of trees are in the way of construction of new homes. The plan is not to take the trees out until construction can start.

Chairperson Lima asked about immediate construction.

Nikiforoff stated that the plan is not to start construction right away and plans could be until summer of 2007.

Chairperson Lima invited Proponents of the application. None.

Chairperson Lima invited Opponents of the application.

Barbara Sharp, 855 N. Cascade Drive, Woodburn, OR 97071. She resides next to the property being reviewed. She stated that she had objections to the project. First being that it could be low income housing and can cause disruption in a quiet neighborhood, especially because they are the first home near the property in the senior estates area. The problem would be noise, children, parking and traffic.

Second issue is that the street access will be on Cascade Drive and will cause more traffic and noise. Suggested that the street access be located on the north end so there is less traffic and less noise. A solution to the traffic and noise would be placing a 7-foot block wall to reduce the noise, dirt and create security.

Third comment is the walnut tree nearest to neighboring property is an unsafe tree, is about to fall down and should be taken out to avoid issues with the neighbors.

Vice-Chairperson Bandelow asked Ms. Sharp about her information on low-income housing and the basis of what is considered low income.

Sharp stated that the information was \$220,000 or less.

Vice-Chairperson Bandelow stated that a \$220,000 home is an entry level home and average for a young couple buying a first home.

Commissioner Jennings stated that the subject property is not part of senior estates.

Chairperson Lima invited the applicant for rebuttal.

Nikiforoff stated that there is going to be a 3-car garage with homes and similar to homes he builds in Silverton with full landscaping, hardwood floors, granite countertops. Regarding a 7-foot fence abutting the property, it can be placed there.

Commissioner Vancil stated that the WDO does not require a fence to be built.

Chairperson Lima stated that a concern about the access near home abutting the property.

Nikiforoff stated that the north side was looked at as a possibility for an access easement, but a fire hydrant is located on that side, therefore the only option was to create the access easement on the south side.

Chairperson Lima stated that another issue was the diseased walnut tree.

Nikiforoff stated that he has not inspected the trees on the property. At this time it looks healthy, but it will be removed if it turns out to be diseased.

Chairperson Lima closed the hearing and opened for discussion amongst the Planning Commission members.

Commissioner Jennings stated that project looks like the one reviewed recently.

Chairperson Lima stated that he saw no issues with the application.

Commissioner Hutchison stated that the trees could be an issue, but creating the landscape could make the neighborhood look nice.

Commissioner Jennings stated that the new property owners could choose to retain the trees once it is developed.

Vice-Chairperson Bandelow made a motion to approve Partition 06-04, Variance 06-07 and Variance 06-13 with staff's facts and findings to support the decision, seconded by Commissioner Vancil.

#### **ROLL CALL**

<b>Chairperson</b>	<b>Lima</b>	<b>yes</b>
<b>Vice Chairperson</b>	<b>Bandelow</b>	<b>yes</b>
<b>Commissioner</b>	<b>GrosJacques</b>	<b>---</b>
<b>Commissioner</b>	<b>Vancil</b>	<b>yes</b>
<b>Commissioner</b>	<b>Grigorieff</b>	<b>yes</b>
<b>Commissioner</b>	<b>Hutchison</b>	<b>yes</b>
<b>Commissioner</b>	<b>Jennings</b>	<b>yes</b>

Community Development Director Allen commented that a Final Order for approval of Partition 06-04, Variance 06-07 and Variance 06-13 has been prepared.

Vice-Chairperson Bandelow moved to accept the Final Order for approval of Partition 06-04, Variance 06-07 and Variance 06-13. Commissioner Vancil seconded the motion, which passed unanimously.

## **ITEMS FOR ACTION**

None.

## **DISCUSSION ITEMS**

None.

## **REPORTS**

Building Activity Report for August 2006

### **BUSINESS FROM THE COMMISSION**

Commissioner Vancil inquired about a traffic light located on Hwy 214 and Glatt Circle.

Commissioner Jennings stated that it would be a City Council action and make the request for the warrant.

Community Development Director Allen stated that alternatives for crossing Hwy 214 is a topic at City Council and is being discussed.

Commissioner Jennings asked about the maintenance on the part and ride area near Hwy 214 and Interstate 5.

Community Development Director Allen stated that he would look into the situation.

Commissioner Vancil stated that the Planning Commission was informed that Public Works was maintaining the area.

Vice-Chairperson Bandelow inquired about personnel removing signs and enforcing the sign ordinance. Many businesses have signs that appear not to be allowable.

Commissioner Vancil stated that a ½ acre lot on the south end of town had political signs and were removed, but new political signs are now up again.

Community Development Director Allen stated that personnel is making contact with property owners, sending correspondence with the ordinance information and enforcing the issue, and removing signs on a daily basis.

Vice-Chairperson Bandelow stated that there should probably be more public announcement.

Community Development Director Allen agreed that there is the issue of education and there could be additional outreach.

Commissioner Vancil stated that the graffiti ordinance is very effective and is making the City look very good.

## ADJOURNMENT

Commissioner Jennings moved to adjourn the meeting. Vice-Chairperson Bandelow seconded the motion, which unanimously carried. Meeting adjourned at 7:40 pm.

APPROVED \_\_\_\_\_  
CLAUDIO LIMA, CHAIRPERSON Date

ATTEST \_\_\_\_\_  
Jim Allen Date  
Community Development Director  
City of Woodburn, Oregon

# PLANNING PROJECT TRACKING SHEET

Revised: Thursday, October 05, 2006

Project	Applicant	Description	Status:	Date Received	Deemed Complete	120 Day Date	Planner	Referrals	Facilities Meeting	Mail Notice for PC	Notice to Paper	Post Property	Stf Rpt Due	PC Hearing	PC Final Order	Appeal Deadline
DR 2006-09	David Adams	Add awning and parapet to existing building.	Received	07/05/2006	08/29/2006	12/27/2006	Breah Pike-Salas	8/29/2006								
DR 2006-12	Brandon Eastman	Propose to construct a 377 sq. ft. drive-thru coffee shop for Dutch Bros. Coffee and all necessary site improvements.	Received	07/24/2006			Breah Pike-Salas									
DR 2006-13	Bruce Kenny	Single Story wood frame office building for dental tenants approximately 8,200 sq. ft.	Received	07/31/2006			Naomi Zwerdling									
DR 2006-14 15	Woodburn Pet Hospital Arch, Inc. Jody Orrison	The owner requests to be excused from funding the road improvements required by the transportation system plan, specifically widening the road from 40' to 48'.	Received	09/07/2006			Naomi Zwerdling									
M37 2006-01	Delbert Gottsacker	Waiver of all of the foregoing land use restrictions that are described in the guidelines and standards or in lieu thereof just compensation in the amount of \$205,000.00 in accordance with the appraisal included.	Received	09/27/2006	09/27/2006		Jim Allen									
SUB 2006-02 VAR 2006-15, VAR 2006-16	Murphy/Stasca usky	6-Lot Subdivision of Vacant Parcel	Received	10/02/2006												
VAR 2006-12 DR 06-10, CU 06-02, VAR 06-11, SWOD	Mid-Valley Community Church	Parking lot construction.	Received	07/06/2006			Jason Richling									



**CITY OF WOODBURN**  
**Community Development**

**MEMORANDUM**

270 Montgomery Street Woodburn, Oregon 97071

(503) 982-5250

**Date:** October 2, 2006  
**To:** Jim Allen, Community Development Director  
**From:** Building Division  
**Subject:** Building Activity for September 2006

	2004		2005		2006	
	No.	Dollar Amount	No.	Dollar Amount	No.	Dollar Amount
New Residence Value	7	\$960,011	8	\$1,031,380	3	\$419,863
Multi Family	0	\$0	0	\$0	0	\$0
Assisted Living Facilities	0	\$0	0	\$0	0	\$0
Residential Adds & Alts	8	\$49,464	2	\$14,737	4	\$49,316
Industrial	0	\$0	0	\$0	0	\$0
Commercial Value	13	\$2,065,976	13	\$663,559	12	\$1,191,477
Signs, Fences, Driveways	4	\$12,400	4	\$12,090	1	\$1,500
Manufactured Homes	0	\$0	1	\$65,000	2	\$44,950
<b>TOTALS</b>	30	\$3,087,851	28	\$1,786,766	22	\$1,707,106
<b>Fiscal Year (July 1- June 30) to Date</b>		<b>\$8,651,237</b>		<b>\$11,968,474</b>		<b>\$5,218,268</b>



October 3, 2006

TO: Mayor and City Council through City Administrator

FROM: Randy Rohman, Public Works Program Manager

SUBJECT: Fall Leaf Collection Program

**INFORMATION:** The fall leaf pickup in the city begins November 1, 2006. To inform residents of this program, the attached leaf program flyer in English and Spanish will be distributed to city residents with the October 2006 water and sewer bill. Residents will be asked to reduce placement of right of way leaves in the street. Information on the program will also be available on the city website. The Woodburn Independent will be asked to provide information on the leaf collection program in the paper.

Other options for disposal include composting, disposal in yard debris carts and hauling to the North Marion Disposal Facility off Crosby Road.

**BACKGROUND:** In September 2003 City Council approved a modified leaf pickup program. The modified program included:

1. Twice weekly sweeping for the downtown core area, Settlemier Avenue and West Hayes Street bike path. Leaves only (no branches or tree limbs) from the street right of way can be raked in the street. Leaves from the remainder of the resident's property will not be allowed to be placed in the street.
2. The remainder of the city will be swept on a monthly basis and leaves will not be allowed to be placed on the street pavement.
3. Residents can drop off leaves at various collection sites. These permanent sites during the fall season will be on Cleveland Road, the parking area of Burlingham Park, the Legion Park parking lot and the Dellmoor Way entrance to Senior Estates Park. Drop off areas will be marked and rules will be posted at each of the sites.

In response to resident concerns after information on the modified program was disseminated, two modifications, with council concurrence, to the program were made. Properties adjacent to Settlemier Park were allowed to put backyard leaves from park trees in the park. Also other properties were advised that right of way trees leaves from the city right of way in the front yard could be raked into the pavement. No other exceptions have been allowed by Council.

Agenda Item Review:

City Administrator

City Attorney

Finance



# FALL LEAF PICKUP

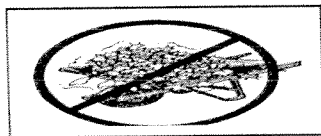
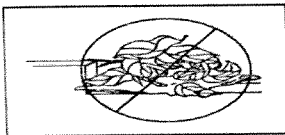
City Council adopted the following leaf pickup program (program runs from **NOVEMBER 1 to DECEMBER 31**) for the city. This leaf program is necessary for safety and cost effectiveness. The city will be swept on a monthly basis and leaves from private property will not be allowed to be placed on the street pavement.



Sweeper picking up leaves.  
No other heavy equipment  
is used on the streets.

Twice weekly sweeping for the main streets in the downtown core area, between Settlemier to First and Harrison to Oak, where there are numerous large trees. For safety of school children, Settlemier Avenue and West Hayes Street bike path will also be swept twice a week. Leaves only (no branches or tree limbs) from the sidewalk and street right of way can be raked directly into the street without making into a pile

**Leaves from the resident's private property beyond sidewalks or right of way will not be allowed to be placed in the street.**



**NO LEAF PILES IN GUTTER**

## LEAF DROP OFF SITES

■ Open 8:30 AM to 3:30 PM Mon-Sat

- **300 Cleveland Avenue**
- **Wastewater Plant at 2815 Molalla Road**

■ Seven days per week during Fall

- **Legion Park Parking Lot**
- **Burlingham Park Parking Lot**
- **Senior Estates Park Dellmoor Way Entrance**

Residents can drop off leaves at one of four collection sites. Three drop off sites have been added. The existing site is at 300 Cleveland Road (south Woodburn). New sites are the parking area of Burlingham Park (west Woodburn), the Legion Park parking lot (east Woodburn) and the Dellmoor Way entrance to Senior Estates Park (north Woodburn). Drop off areas will be marked and rules will be posted at each of the sites.

Other Options include:

- Compost in backyard
- Use yard debris cart weekly
- Haul to North Marion Disposal Facility



Ordinance No. 2225 does not allow leaves from private property to be placed in the street. This ordinance will be enforced for the City Council adopted leaf collection program.

**QUESTIONS? CALL 503-982-5240 (Woodburn Public Works Department)**

October 9, 2006

TO: Honorable Mayor and City Council

FROM: John C. Brown, City Administrator

SUBJECT: **Community Development Block Grant Application Public Hearing**

**RECOMMENDATION:**

It is recommended the City Council conduct a public hearing to review the results of the Hazelwood Estates project with the citizens of Woodburn, and to take comments on the City's performance as part of the Community Development Block Grant close-out process.

**BACKGROUND:**

In August 2005 you authorized staff to submit an application for a Community Development Block Grant, on behalf of the Marion County Housing Authority to construct offsite improvements for its Hazelwood Estates project. Hazelwood Estates is an affordable senior apartment complex on Carol Street in Woodburn. The Oregon Department of Housing and Community Services provided major funding for the project. Other sources, and Authority funds, were also used. The Authority funded City-required street, water, and sewer line improvements from the CDBG funds. Because those improvements became City property, the City was required under grant guidelines to apply for the funds.

Previously, in April 2005, your Council had agreed to sponsor the CDBG application on behalf of the Authority, with the understanding that City administrative efforts will be kept to a minimum, and that City costs will be reimbursed by the Authority.

**DISCUSSION:**

The City was awarded CDBG grant, in the amount of \$225,000 in late 2005 and the project was completed and opened in June 2006. The grant supported the costs to construct approximately 1000 linear feet of water and sewer lines improvements, and street, curb, gutter, storm drain and sidewalks. Street improvements were made to a width of 29 feet, pursuant to a variance granted by the Planning

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City Attorney

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Commission. The grant also funded independent construction management, and grant administration provided by the Mid-Willamette Valley Council of Governments. The Marion County Housing Authority provided additional project administration and coordination with the City. City Public Works staff time was dedicated to the project in amounts greater than would normally be applied to oversight of a private development, but those amounts were not significant and mainly related to construction bidding and aware. City Administrative staff time was spent on the project in amounts greater than anticipated, but which was not unreasonable given the value of the project to the community.

Grant close-out interviews were conducted recently by the grantor, with City and COG staff. The project was determined to have been administered in accordance with guidelines, and is approved for close-out.

The purpose of the public hearing is to fulfill CDBG requirements and gather input on the project and the City's performance under the grant. Housing Authority and COG staff will be on hand at the hearing to answer any questions you may have about the Hazelwood Estates project.

**FINANCIAL IMPACT:**

None.

October 9, 2006

TO: Honorable Mayor and City Council through City Administrator  
FROM: John C. Brown, City Administrator *JB*  
SUBJECT: **Curbside Recycling Proposal**

**RECOMMENDATION:**

It is recommended the City Council consider United Disposal's proposal for an enhanced curbside recycling program, and determine Council policy.

**BACKGROUND:**

In June 2006, United Disposal presented a proposal to enhance its curbside recycling program by introducing 90-gallon roll carts (Attachment 1). United offered two alternatives: weekly collection at a per-customer cost of \$3.60 per month, or bi-weekly collection at a cost of \$1.80 per month. Program costs would be borne by each residential customer; financial participation would be mandatory. United operates this program in several communities in the area, and indicated in the majority of cases implementation was initially met with some opposition, but the programs are now well accepted.

Council indicated interest in the proposal, but expressed concern with its impact on some residents. You asked me to solicit resident input via an article in the City's quarterly newsletter. You also asked United Disposal to provide statistics regarding the size of containers used by its customers.

**DISCUSSION:**

Informal Survey

An article summarizing the proposal and asking residents for their opinions was published in the July issue of the City newsletter (Attachment 2). It was noted for the Council in June that this method of survey would net informal results. Nevertheless, the newsletter offers a cost effective mechanism for citywide distribution, to what has been a largely receptive public. It is mailed to

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City Administrator *JB*

City Attorney *NRS*

Finance *Ben*

approximately 4,500 homes in Woodburn. Copies of the newsletter are also available at City Hall, the Library, the Public Works Annex, and at sponsoring businesses. The English/Spanish language format limits the number of articles included in an issue; articles are generally limited to approximately one page in length. The recycling article provided a one-page summation of the proposal.

The responses obtained in July 2006 were directly attributable to the newsletter. Approximately 70 responses were received, about half of those from residents in Senior Estates. This issue has been paid considerable attention in the Senior Estates since then. Sentiments expressed in Mrs. Lucas's letter to Council in July 2006 (Attachment 3) were also expressed in the letters section of the "Independent," and in the "News and Views." As a result, residents there weighed in heavily on the subject in August, September, and October including the Senior Estates Board (Attachment 4).

By October 5<sup>th</sup>, 279 responses were received. 251 of those are from Senior Estates residents. Of the responses, 22 were favorable (8 percent), 5 of those from the Estates; 252 were unfavorable (90 percent), 246 of those from the Estates; and 5 were neutral (2 percent).

The main reasons given by those in favor of the proposal included:

- Larger container allows for more recycling
- Environmental considerations
- Carts can be rolled instead of carried
- Prevents wind-blown refuse in streets and yards
- Protects recyclables from the weather
- Community benefit

Of these responses, the need for a larger container so that more can be recycled, environmental considerations, and prevention of blowing trash, were the reasons most often cited in favor of the proposal.

The main reasons given by those opposed to the proposal included:

- Lack of room for 90 gallon cart
- Too costly
- Not enough recyclable material to justify larger container
- 90 gallon cart is too heavy
- United should not be able to profit from the proposal
- Participation should not be mandatory

- Recycling facility offers no cost alternative if bins are insufficient
- Bi-weekly pick-up will be confusing

Among the negative responses, respondents also offered variants on these reasons. These are not delineated in the interest of space, but are fairly represented in the forgoing list. Some respondents gave no reason for their opposition. The concern most frequently voiced relates to the size of the cart and limited storage space, followed in descending order by lack of material to recycle, cost considerations, and weight of the cart. Other concerns arose with far less frequency.

Survey responses, via letters, e-mails, and logged phone calls, are available in my offices, should you wish to examine them.

#### Container Sizes

One of the benefits of the proposal discussed with the Council is the opportunity for customers who recycle more to reduce their garbage can size and monthly bill. Based on the bi-weekly collection option, these savings were estimated at \$2.40 to \$8.85 per month, depending on current size and ability to downsize through additional recycling. No savings were attributed for those with 20-gallon cans, as they are the smallest container United offers. Council asked to quantify the can-sizes used, by ward, to determine how many customers could actually benefit from downsizing.

United indicates sorting this information was highly labor intensive, so statistics were gathered for only two wards: the 1<sup>st</sup> and 4<sup>th</sup>. Because of household sizes in these wards, they are most likely to contain the greatest number of customers using smaller cans; those without financial savings from the proposal. United's research results are tabulated as follows:

<b>Cart Size</b>	<b>Customers Ward 1</b>	<b>Customers Ward 4</b>	<b>Total Both Wards</b>
20 gallon	152	339	491
35 gallon	491	686	1,177
65 gallon	237	103	340
95 gallon	25	2	27

Based on this research, three quarters of the customers in these two wards could reduce their monthly garbage bills if they reduce can size through increased recycling. 58 percent can reduce their bills by \$2.40 per month, seventeen (17) percent can reduce their bills by \$8.85 per month, and one (1) percent can reduce their bills by \$5.90 per month. Adjusted to account for the \$1.80 recycling cart charge, for bi-weekly pick-up, these customers would net monthly savings of \$.60, \$7.05, and \$4.10 respectively. These savings are considerably less if adjusted for a weekly pick-up rate of \$3.60 per month. That option is not recommended due to cost considerations and United's experience in other communities, which indicates that bi-weekly pick-up of the roll cart is satisfactory. Those using 20-gallon carts can't downsize, but United indicates that, pursuant to its current policy, these customers may opt out of the program, and would not be subject to the \$1.80 per month charge. This is information which, had it been known prior to your June Council meeting or drafting the newsletter article, might have reduced the number of negative responses to the proposal (although lack of space for another can was the most significant drawback perceived by respondents).

#### Basis for the Proposal

City and United Disposal staffs meet periodically to discuss any franchise issues that might arise, and to share information regarding waste management and recycling. Among the issues discussed is the livability issue of wind-blown or animal-strewn refuse in our neighborhoods resulting from overloaded and exposed recycling bins. We also discussed the negative effect that exposure to weather has on the quality of material to be recycled. City staff also meets annually with County staff to review the City's compliance with State waste reduction requirements. Pursuant to Chapter 459A of the Oregon Revised Statutes, County staff is responsible for managing the mandatory waste reduction program for the City, and for annual compliance reporting. City staff was made aware through these meetings of changes in the curbside recycling programs in other cities, and of the need for increased recycling to maintain compliance with State goals.

Included in the Council's goals for the past three two-year cycles is a goal to "Encourage and Employ Sustainable Practices." Listed among the activities the Council approved to achieve this goal is "*Support recycling and use of recycled materials.*" In 2005, the Council modified this goal to state the City would conduct these activities "as the opportunity arises."



This proposal presents an opportunity to address the Council's sustainability goal. It can also increase neighborhood livability and the quality of products that are recycled from our community.

### The Proposal

Citizen questions prompted additional discussion between City and United staffs regarding program mechanics. An expanded proposal summary may help explain how the program would be administered, and the options available to customers. Features of the program:

- Provides bi-weekly (or weekly) pick-up of 90-gallon roll carts
- Roll carts can be used for all mixed recycling except glass, batteries, latex paint and motor oil
- Glass, batteries, latex paint and motor oil must be segregated, and collected from the red bins
- Customers will keep the red bins, regardless of whether they use a 90-gallon roll-cart
- Each customer with a 35-gallon can or larger will be assessed \$1.80 per month for bi-weekly collection
- In the alternative, each customer with a 35-gallon can or larger will be assessed \$3.60 per month for weekly collection
- Program charges recover United's cost to purchase the 90-gallon roll carts, and offset a half-time position and additional automated collection truck. Profit is not factored into the charges
- Customers may refuse to use the 90-gallon roll carts, and may continue to use only the red bin
- Customers with a 35-gallon or larger container who refuse the roll cart will still be subject to monthly charge
- Customers using 20-gallon garbage carts may opt out of the program, and will not be assessed a monthly charge. If they recycle using a red bin, they may continue to do so at no cost
- Any customer who changes service from a larger cart to the 20-gallon cart may opt out of the program, will no longer be assessed the monthly recycling charge, and can continue to use the red bin to recycle
- Customers are allowed to change service once (1x) per year at no cost. Additional changes are assessed a charge of \$15 each
- Customers who over-stuff their refuse containers, or who place additional refuse (not recyclables) on or next to the container are assessed an overage charge

As discussed with you in June, benefits from this program include the opportunity to divert more recyclable material from the waste-stream, enabling the City and the County to reach and exceed mandated recycling goals. The 90-gallon roll cart provides greater capacity for recycling, a container that can be rolled rather than carried to the curb, and an opportunity to reduce the size of a customer's garbage can and the cost of their garbage service. It also contains material, preventing it from being wind or animal strewn, and protects that material, from the elements.

### Statewide Goals

This section is not intended to be an exhaustive discussion of recycling in Oregon or the controlling statutes. It is intended to provide a brief overview of the regulatory reasons we recycle, and how United's proposal can help the City meet its mandated responsibilities.

In 1991, the Oregon Legislature set a 50 percent material recovery goal for the State, for the year 2000. In 2001, the legislature extended that goal to the year 2009. The 2001 legislature also established waste generation goals for the State. These are:

- For the calendar year 2005 and subsequent years, no annual increase in per capita municipal solid waste generation; and
- For the calendar year 2009 and subsequent years, no annual increase in total municipal solid waste generation

These goals are intended to conserve natural resources, to extend the useful life of existing landfills, and reduce the need for additional landfill sites. The Department of Environmental Quality is responsible for statewide compliance monitoring and reporting. Marion County bears that responsibility at the watershed level, on behalf of itself and its incorporated jurisdictions, although individual jurisdictions are also responsible for meeting recycling mandates. Program mandates can be, and are, conveyed to garbage haulers to be carried out.

ORS 459A establishes watershed recovery goals for 2005 and 2009. Watersheds are comparable to counties. The recovery rates established for Marion County are 37% in 2005 and 54% in 2009. Marion County is required to file an annual report, on behalf of itself and each of its incorporated jurisdictions, collected from reports that garbage haulers such as United must complete. Currently, the

Marion County recovery rate is 53.8%. This includes a six percent credit for education, composting, and reuse programs. Without this credit, Marion County's recovery rate is approximately 48 percent. Marion County's rate also includes an adjustment that counts as "recovery" materials burned in its waste-to-energy facility.

Statewide, and in Marion County, municipal solid waste generation is increasing. Between 1993 and 2004 total waste generation in Oregon increased statewide by 64 percent for the period. These increases reflect both an increase in population generating waste, and the amount of waste generated per person. Material Recovery also increased during that period, from 27 percent in 1993 to 45 percent in 2004. That gain was generally steady, although it jumped four percent in one year with the advent of curbside recycling programs. Limitations on those programs, such container size, can be expected to "flatten" recovery rates.

While Oregon and Marion County, and within it Woodburn, are currently exceeding Statewide recycling goals, that trend cannot be expected to continue without increasing efforts to recycle. Woodburn's population is expected to increase by approximately 3 percent per year between now and 2020, based on our Periodic Review planning. Some of that population will represent new households, which could be expected to mirror current recycling trends. Our population increase, however, is also expected to reflect birthrates, suggesting larger household sizes which may be constrained in their recycling by can size. Regardless, increases in per capita waste generation on the Statewide and local level suggest that unless recycling can be increased to offset population growth, the City will fall behind recycling mandates.

It should be noted that ORS 459A does not specify penalties for failing to attain waste reduction goals. It requires study, to determine means to remediate the shortfall. Practically, attainment failure will result in the need for additional landfill space, and avoidable exhaustion of natural resources.

United's proposal provides an opportunity, through larger containers, to increase residential recycling in Woodburn to help reach Statewide goals. Although information specific to all area localities now using the 90-gallon carts is not yet available, information provided by the Mid-Valley Garbage and Recycling Association indicates that haulers in the Salem area have seen increases from 10 to 200 percent following the introduction of mixed recycling in the 90-gallon carts in 2003. The seven haulers serving Salem report an overall average increase of 53 percent between 2002 and 2003, with individual differences

based on the social-economic status of the areas served. It is difficult to project how Woodburn's experience might compare. It seems reasonable to expect, however, that significant increases could be gained in the amount of material recycled, if United's proposal is implemented. Such increases would certainly help offset the effect of future growth on our waste generation.

Conclusion:

Based on community response, largely from residents of Senior Estates, there appears to be little support for United's proposal. As previously indicated, the survey conducted by the City was informal, and did not reflect widespread City opinion. Responses may have been less unfavorable had there been an awareness that those with 20-gallon containers can opt out of the program. The largest single concern, however, was lack of space for another container at homes with smaller garages and yards, and restrictions on what may be placed in the yard.

For many residents without such concerns, this proposal presents an opportunity to reduce their monthly garbage bills, by increasing the amounts they recycle. It also provides an opportunity for the Council to meet a stated goal, and to continue to maintain compliance with statewide waste reduction mandates into the future.

Representatives from United Disposal will attend Monday's meeting, to answer any questions you may have regarding the proposal. Staff from Marion County Public Works' Environmental Services Division will also be available to answer questions you have may regarding recycling.

**FINANCIAL IMPACT:**

None, beyond those discussed in the body of the report related to charges and potential savings.

ALLIED WASTE OF MARION COUNTY/UNITED DISPOSAL SERVICES  
 COMMINGLED COST WORKSHEET  
 CITY OF WOODBURN

Yard Debris Pickup: Weekly  
 Commingle Recycling Pickup: Bi-Weekly in rollcars plus red bin  
 Weekly in rollcars plus red bin

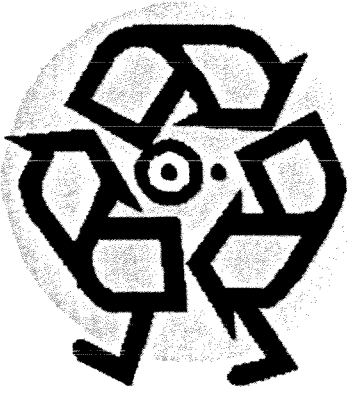
## CAPITAL COSTS

Roll Cars Commingle Recycle		Per year	Per month
Number of roll carts	4,950		
Cost per roll cart	\$ 52.99		
Total Cost	\$ 262,301		
Cost per year	\$ 26,230 10 year life	\$5.30	\$0.44
Trucks			
Number of trucks	1.0		
Depreciable cost per truck	\$ 210,000		
Total Cost	\$ 210,000		
Cost per year	\$ 30,000 7 year life	\$6.06	\$0.51

## OPERATING COSTS

Vehicle operating costs	\$ 101,934	Includes Fuel, Insurance,R&M,Taxes and License	
Retrofit costs (recovered over five year life)			
Labor	\$ 55,786	Pay, benefits included	
Insurance			
Cost per year	\$ 157,720	\$31.86	\$2.66
Total Annual Cost to Provide Service	\$ 213,950		
Franchise Fee (additional on Revenue)			
Total Annual Charge to Customer	\$ 213,950		
Cost per month per customer - Weekly	\$ 3.60		\$3.60
Cost per month per customer - Bi Weekly	\$ 1.80		\$1.80

# MIXED CURBSIDE RECYCLING PROPOSAL



The Woodburn City Council recently considered a proposal from our waste hauler, United Disposal, to provide a mixed curbside recycling program. The Council wants to hear your thoughts on the proposal before they make a decision.

United Disposal recycles as an environmentally responsible alternative to landfilling valuable material. Recycling is key to United, the City of Woodburn, and the County of Marion in meeting waste-stream reduction targets established by State statute.

Woodburn residents currently recycle using the familiar "red bins," which must be carried to the curb and which are emptied weekly. Customers are asked to separate recyclables by type: paper, glass, cardboard, plastics, etc. Oil, paint, and batteries are to be further separated. This program is provided without charge. The size of the red bin limits the amount of material that can be recycled and the space available to segregate materials. Bins can fill quickly, leading customers to throw out items that would otherwise be recycled. Because the bins have no lids, wind and animals can strew contents about, which litters our streets and neighborhoods.

United's recycling programs in cities that include Hubbard, Silverton, and Salem, use 90-gallon carts collected every other week. United proposes to implement this program in Woodburn. Except for glass, oil, paint, and batteries, recyclables can be mixed, which makes recycling easier. Program costs would be assessed to **all** United customers, at a rate of \$1.80 per month. An alternative, weekly pick up, could be done for \$3.60 per month.

90-gallon carts allow customers to recycle more material than the red bins. This can enable enthusiastic recyclers to reduce the size and cost of their regular garbage service. By increasing the amount of material they recycle, customers may be able to drop the size of cart needed for regular garbage pick up. Potential net monthly savings from doing so, based on rates effective July 1, 2006, are summarized below:

Cart Size (in Gallons)	Monthly Cost	Gross Monthly Savings *	Net Monthly Savings **	Net Annual Savings
90	\$34.00	\$5.90	\$4.10	\$49.20
65	\$28.10	\$8.85	\$7.05	\$84.60
35	\$19.25	\$2.40	\$0.60	\$7.20
20	\$16.85	n/a	n/a	n/a

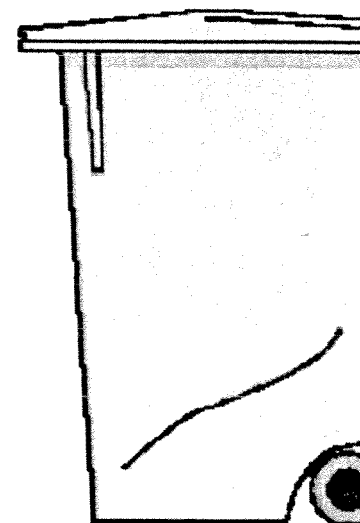
\* Based on reduction to next smaller cart size

\*\* Monthly savings, minus \$ 1.80 per month charge for 90 gallon recycling cart

The proposed program offers other benefits. Recyclables can be wheeled to the curb, and carts with lids keep material inside and streets and neighborhoods cleaner. Every-other week collection reduces the noise and traffic from garbage trucks in our neighborhoods, and saves fuel and manpower. And, the program can divert more material from the waste-stream, extending the life of our landfill. More information on the proposal can be obtained by calling United Disposal at (503) 981-1278.

You can share your feelings with the Council on this proposal in one of three ways:

- 1) Write a letter to the Council at City Hall, 270 Montgomery Street, Woodburn 97071;
- 2) e-mail the Council at [city.hall@ci.woodburn.or.us](mailto:city.hall@ci.woodburn.or.us); or
- 3) Call (503) 982-5228 and share your opinion with city staff. Those providing contact information will receive personal notification of the meeting date when the Council considers this matter.



214 E. Clackamas Circle  
Woodburn OR 97071  
July 5, 2006

Members of the Woodburn City Council and John Brown

In your most recent quarterly newsletter, you describe a proposal to cut recycling pickups from one a week to one every two weeks and to charge fees for recycling.

When I called United Disposal about this proposal, I was told that customers have complained that the red bins were not big enough, that many people love recycling and want to do more. If these people want to do more, United could give them a larger recycling bin instead of trying to change the recycling system for everyone in Woodburn, a system that seems to have worked for many years.

I have two complaints about the proposal. First is lack of space - my house is 1200 square feet - I have a double garage - my lot is 50 x 80 - I already have a 35-gallon garbage can in my garage and a 65-gallon yard debris cart in my side yard - my present red recycling bin sits on a stand in my garage. A 90-gallon recycling bin will not fit anywhere either in the garage or in the yard.

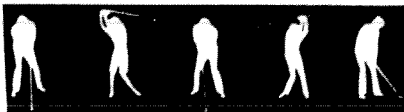
My second complaint. United's proposal would cut service and increase fees. Presently we pay nothing for recycling. United's proposal would cut recycling pickups from once a week to once every two weeks. And they would charge fees for recycling - fees they say would cover the cost of the 90-gallon can and expenses of pickups, expenses they themselves are incurring with their proposed activities.

United's local general manager has told me about 20-gallon garbage cans, about using red bins for some recyclables and the 90-gallon cans for other recyclables. She also told me that plans for Woodburn are made here, not at the Allied Waste Services home office in Scottsdale Arizona, but she said that no consideration was given to the storage of these large bins on small lots.

Before you embark on some revision of the present recycling franchise, please get more information to the public about the alternatives. Your quarterly newsletter did not lay out all the ins and outs. Just one example. Could we take our newspapers to a drop off station instead of having them picked up? This would eliminate most of a the need for a 90-gallon can. Without newspapers I could easily get by using my red bin for two weeks.

My husband and I think our garbage pickup system is good: once a week for garbage is plenty, the yard debris pickup is enough, the red bin recycling has been satisfactory and special pickups are easily arranged. Things are working fine. Don't change them.

*Barbara Lucas*



**SENIOR ESTATES**

**Golf & Country Club**

A 55 Plus Community  
1776 Country Club Road  
Woodburn, Oregon 97071-2348

Woodburn City Council  
Woodburn City Hall  
270 Montgomery St..  
Woodburn, Or. 97071

Subject: United Disposal Services Proposal

Please be advised that Senior Estates Golf & Country Club Board of Directors discussed the mentioned proposal at a recent Directors meeting along with entertaining residents comments regarding the proposed change.

The decision made by the Board with resident support request there are no changes to the present refuse program offered by United Disposal Services.

Containers are to remain as presently in use.

If you need any further information please contact me through Senior Estates office.

Sincerely,


Robert J. LaVere  
President

CC: All Board Members

August 14, 2006



October 3, 2006

TO: Mayor and City Council through City Administrator  
FROM: Scott D. Russell, Chief of Police   
SUBJECT: Graffiti Ordinance Update

**Recommendation:**

It is recommended that the City Council enact the attached draft Graffiti Ordinance.

**BACKGROUND:**

The City of Woodburn was a leader in the early adoption of an ordinance requiring the abatement of graffiti. Generally, this ordinance has worked well.

When apprised of the ordinance, most property owners have voluntarily abated graffiti. Although the existing ordinance provides for both a municipal court citation process and a City Council abatement hearing process, no City Council abatement hearing has ever been held and few court citations have ever been issued.

Recently the Council discussed the issues associated with enforcing graffiti laws and the challenges of holding both youth and their parents accountable for violations. Council directed staff to prepare an ordinance that provides local penalties for violations of graffiti law and makes parents accountable for the actions of their children. Council also expressed a desire that if possible, any such ordinance should not unduly increase the supervision time for the Woodburn Municipal Court or duplicate existing youth programs.

**DISCUSSION:**

The Police Department and the City Attorney have worked together to draft an ordinance that seeks to fulfill council directives. The new ordinance retains all of the graffiti abatement sections and adds some new provisions based upon police department recommendations and City Council discussion.

Agenda Item Review:

City Administrator 

City Attorney 

Finance 

The proposed ordinance gives the Woodburn Municipal Court jurisdiction over Application of Graffiti and Unlawful Possession of a Graffiti Implement. Since these offenses are already classified as violations under Oregon state law, the monetary penalties set by the ordinance cannot exceed the maximums set by the legislature.

The ordinance creates the new offense of Failure to Supervise a Minor Committing Graffiti Violations. There is no equivalent state law provision. The City Attorney has carefully researched the law and drafted the language to be constitutional and consistent with state law.

In addition to the applicable civil penalties, an Alternate Disposition by Court section was drafted after consultation with the Marion County Juvenile Department. The application of this section is discretionary with the Woodburn Municipal Court and gives the judge the power to approve a diversion program or even dismiss a case in appropriate circumstances.

This allows the Woodburn Municipal Court to require that parents assist their children in complying with all conditions imposed by the Juvenile Department during the adjudication of the case (since all juvenile cases will also be referred to the Juvenile Department), and also reserves the right to impose local diversion programs should they become available in the future.

Staff believes that the draft ordinance increases the accountability for both violators and their parents, provides a needed link with the juvenile court system and our local court, and provides flexibility to adopt future programs that seek to provide increased gang intervention.

**FINANCIAL IMPACT:**

At this time only minimal Municipal Court staff time will be needed to coordinate with the Marion County Juvenile Department. Should a local diversion/intervention program be instituted in the future additional associated costs would have to be considered. However, costs of such programs usually are found to exceed any revenue generated by just fines or court costs.

**COUNCIL BILL NO.**

**ORDINANCE NO.**

**AN ORDINANCE PROHIBITING GRAFFITI AND THE POSSESSION OF GRAFFITI IMPLEMENTS; CREATING THE OFFENSE OF FAILURE TO SUPERVISE A MINOR COMMITTING GRAFFITI VIOLATIONS; PROVIDING FOR THE ABATEMENT OF GRAFFITI NUISANCE PROPERTY; AND REPEALING ORDINANCE 2173**

**THE CITY OF WOODBURN ORDAINS AS FOLLOWS:**

**Section 1. Definitions:**

A. "Graffiti" means any inscriptions, words, figures or designs that are marked, etched, scratched, drawn, painted, pasted or otherwise affixed to the surface of property, as defined by ORS 164.381(1).

B. "Graffiti implement" means any paint, ink, chalk, dye or other substance or any instrument or article designed or adapted for spraying, marking, etching, scratching or carving surfaces as defined by ORS 164.381(2).

C. "Graffiti nuisance property" means property to which graffiti has been applied, if the graffiti is visible from any public right-of-way, any other public or private property or from any premises open to the public, and if the graffiti has not been abated within the time required by this ordinance.

D. "Owner" means the legal owner of property or a person in charge of property.

E. "Person in charge of property" means an agent, occupant, lessee, contract purchaser or other person having possession or control of property or supervision of a construction project.

F. "Property" means any real or personal property and that which is affixed, incident or appurtenant to real property, including but not limited to any premises, house, building, fence, structure or any separate part thereof, whether permanent or not.

**Section 2. Prohibited Graffiti.** It shall be unlawful for any person to apply graffiti.

**Section 3. Unlawful Possession of Graffiti Implement.** It shall be unlawful for any person to possess a graffiti implement with the intent to apply graffiti.

**Section 4. Failure to Supervise a Minor Committing Graffiti Violations.** It shall be unlawful for a parent, guardian, or other person having the legal custody of a minor person under the age of 18 years to allow or permit the minor to be in violation of Section 2 or Section 3 of this ordinance.

**Section 5. Graffiti Nuisance Property.**

A. It is hereby found and declared that graffiti creates a visual blight and property damage. When graffiti is allowed to remain on property and not promptly removed, it invites additional graffiti, gang activity, criminal activity, and constitutes a nuisance.

B. Any property within the city which becomes graffiti nuisance property is in violation of this ordinance.

C. Any owner of property who permits said property to be a graffiti nuisance property is in violation of this ordinance.

**Section 6. Notice Procedure.**

A. When the Chief of Police believes in good faith that property within the city is a potential graffiti nuisance property, the Chief of Police shall, notify the owner in writing that the property is a potential graffiti nuisance property. The notice shall contain the following information:

(1) The street address or description sufficient for identification of the property.

(2) That the Chief of Police has found the property to be a potential graffiti nuisance property with a concise description of the conditions leading to this finding.

(3) A direction to abate the graffiti, or show good cause to the Chief of Police why the owner cannot abate the graffiti, within ten city business days from service of the notice.

(4) That if the graffiti is not abated and good cause for failure to abate is not shown, the City Council may order abatement, with appropriate conditions. The City Council may also employ any other remedy deemed by it to be appropriate to abate the nuisance, including but not limited to authorizing a civil complaint to be filed in a court of competent jurisdiction.

(5) That permitting graffiti nuisance property is a Class 2 civil infraction punishable by a civil forfeiture not to exceed \$750, pursuant to the Civil Infraction Ordinance.

(6) That the above remedies are in addition to those otherwise provided by law.

B. Service of the notice is completed by personal service or upon mailing the notice by first class mail, postage prepaid, addressed to the owner at the owner's last known address.

C. A copy of the notice shall be served on occupants of the property, if different from the owner.

D. The failure of any person or owner to receive actual notice of the determination by the Chief of Police shall not invalidate or otherwise affect the proceedings under this ordinance.

#### **Section 7. Abatement Procedures.**

A. Within ten business days of the personal service or mailing of the notice the owner shall abate the graffiti or show good cause why the owner cannot abate the graffiti within that time period.

B. Upon good cause shown, the Chief of Police may grant an extension not to exceed ten additional city business days.

C. If the owner does not comply with the provisions of this ordinance, the Chief of Police may refer the matter to the City Council for hearing as a part of its regular agenda at the next succeeding meeting. The City Recorder shall give notice of the hearing to the owner and occupants, if the occupants are different from the owner.

D. At the time set for a hearing, the owner and occupants may appear and be heard by the City Council.

E. The City Council shall determine whether the property is graffiti nuisance property and whether the owner has complied with this ordinance.

F. The city has the burden of proving by a preponderance of the evidence that the property is graffiti nuisance property.

G. The owner has the burden of proving by a preponderance of the evidence that there is good cause for failure to abate the nuisance within ten city business days of the personal service or mailing of the notice.

## **Section 8. REMEDIES OF THE CITY.**

A. In the event that the City Council determines that the property is graffiti nuisance property, the City Council may order that the nuisance be abated. This order may include conditions under which abatement is to occur.

B. The City Council may also employ any other legal remedy deemed by it to be appropriate to abate the nuisance, including but not limited to authorizing the filing of a civil complaint in a court of competent jurisdiction.

C. The remedies provided in this section are in addition to those otherwise provided by law.

**Section 9. Civil Penalties.** Violations of this ordinance shall be processed under the Civil Infraction Ordinance with penalties consistent with Oregon state law.

A. Consistent with ORS 164.383 and ORS 153.018, a violation of Section 2 of this ordinance ("Prohibited Graffiti") constitutes a civil infraction punishable by a civil forfeiture not to exceed \$360.

B. Consistent with ORS 164.386 and ORS 153.018, a violation of Section 3 of this ordinance ("Unlawful Possession of Graffiti Implement") constitutes a civil infraction punishable by a civil forfeiture not to exceed \$90.

C. A violation of Section 4 of this ordinance ("Failure to Supervise a Minor Committing Graffiti Violations") constitutes a Class 2 civil infraction punishable by a civil forfeiture not to exceed \$500.

D. A violation of Section 5 of this ordinance ("Graffiti Nuisance Property") constitutes a Class 2 civil infraction punishable by a civil forfeiture not to exceed \$500.

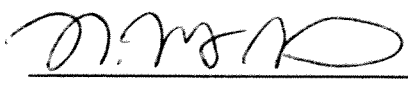
**Section 10. Alternate Disposition by Court.** At the discretion of the Woodburn Municipal Court, all persons that are found to have violated Sections 2, 3, or 4 of this ordinance may have their cases resolved by the following alternate dispositions:

A. A court-approved diversion program.

B. Dismissal of the case, if a letter is received from the Marion County Juvenile Department indicating that the offender has complied with all of its requirements related to the case and the court determines that it is in the interest of justice to dismiss the case.

**Section 11. Abatement by the City.** If the owner fails to abate the nuisance as ordered by the City Council, the city may cause the nuisance to be abated as provided in the City Nuisance Ordinance, Ordinance 2338.

**Section 12. Repeal.** Ordinance 2173 is hereby repealed.

Approved as to form:  10/3/2006  
City Attorney Date

Approved: \_\_\_\_\_  
Kathryn Figley, Mayor

Passed by the Council \_\_\_\_\_

Submitted to the Mayor \_\_\_\_\_

Approved by the Mayor \_\_\_\_\_

Filed in the Office of the Recorder \_\_\_\_\_

ATTEST: \_\_\_\_\_  
Mary Tennant City Recorder  
City of Woodburn, Oregon

October 3, 2006

TO: City Council through City Administrator  
FROM: Ben Gillespie, Finance Director *Ben*  
SUBJECT: **Adoption of Resolution Regarding the Hospital Facility Authority of the City of Silverton, Oregon**

**RECOMMENDATION:**

That the City Council adopt the attached resolution regarding the issuance of a Health Facilities Revenue Note (Silverton Hospital Project), Series 2006 (the "2006 Bond") by the Hospital Facility Authority of the City of Silverton, Oregon to finance certain Silverton Hospital projects located in the City of Woodburn.

**BACKGROUND & DISCUSSION:**

Section 147 of the Internal Revenue code of 1986 (the "Code"), requires that qualified 501(c)(3) bonds, such as the 2006 Bond, be approved by the applicable elected representatives of the governmental unit having jurisdiction over the area in which any portion of a bond financed project is located. The proposed projects are located inside the municipal boundaries of the Cities of Woodburn and Silverton, Oregon. As a result, the Cities of Woodburn and Silverton, Oregon must each approve of the issuance of the 2006 Bond by the Authority.

The Authority and Silverton Hospital have requested that the City Council approve the issuance of the 2006 Bond by the Authority to satisfy the public approval requirements of Section 147(f) of the Code.

Bond counsel for the Authority drafted a resolution meeting the requirements of the Code. The City's bond counsel, Preston, Gates, & Ellis, reviewed the resolution and suggested some changes that clarify that the City is not making any determinations or representations about the financing or the project, and is adopting the resolution as an accommodation to the Authority and Hospital.

Agenda Item Review:

City Administrator *AB*

City Attorney *MJS*

Finance *Ben*



**FINANCIAL IMPACT:**

The attached resolution states:

"F. The City Council has been advised by bond counsel to the Authority that the principal of and interest on the 2006 Bond will not constitute a debt of the City of Woodburn, Oregon, and the Authority will structure the 2006 Bond so that the 2006 Bond will not be payable from a tax of any nature levied upon any property within the City of Woodburn . . ."

The City's bond counsel indicates that the City will have no ongoing monitoring or reporting responsibilities as a result of the bond issue.

This City has incurred some costs for the document review by bond counsel. The hospital has signed an agreement (attached) to pay City costs associated with the City's involvement with the financing, as well as the indemnification of any claims brought against the City in connection with the financing.

**AGREEMENT REGARDING CITY COSTS AND LIABILITIES****between****THE CITY OF WOODBURN, OREGON****and****SILVERTON HOSPITAL**

THIS AGREEMENT is executed by THE CITY OF WOODBURN, OREGON, a municipality of the State of Oregon (the "City"), and SILVERTON HOSPITAL, an Oregon nonprofit corporation (the "Hospital").

1. Recitals.

a. At the request of the Hospital and the Hospital Facility Authority of the City of Silverton, Oregon (the "Authority"), the Woodburn City Council shall consider adopting a resolution approving actions taken by the Board of Directors of the Authority to authorize issuance of revenue bonds or notes (the "2006 Bond") to finance or refinance the costs of the following projects: (i) to refund all or a portion of the Authority's Promissory Note, Series A (Silverton Hospital Project), dated December 29, 2000 and originally issued in the aggregate principal amount of \$10,000,000; (ii) to finance the costs of the acquisition of equipment, software and other intellectual property to provide and support patient care at Silverton Hospital and at the Tukwila Center for Health and Medicine and the Wellspring Medical Center; and (ii) to pay certain costs of issuance relating to the 2006 Bond (collectively, the "Project").

b. The City is willing to assist the Hospital on the condition that the Hospital pay reasonable costs incurred by the City associated with the 2006 Bond and indemnify the City against any claims related to the 2006 Bond.

c. The parties execute this agreement to memorialize the obligation of the Hospital to pay those costs and provide such an indemnity.

2. Payment of Costs.

In consideration of the City working in good faith with the Hospital to adopt a resolution approving actions taken by the Board of Directors of the Authority to authorize and issue the 2006 Bond, the Hospital agrees that it shall:

a. Pay, at closing of the 2006 Bond to the extent practical and otherwise within 30 days after receipt of an invoice, any fees and expenses of the City incurred in connection with the issuance, sale and on-going administration of the 2006 Bond, including without limitation, the reasonable fees and expenses of the City, the City Attorney and the City's bond counsel. The City agrees, however, that fees and expenses of the City in connection with the issuance and sale of the 2006 Bonds shall not exceed \$2,000.

b. If the 2006 Bond is not issued, pay, or cause to be paid within 30 days after receipt of an invoice, any fees and expenses incurred in connection with the City's preparation for the authorization, issuance and sale of the 2006 Bond, including without limitation, the reasonable fees and expenses of the City, the City Attorney and the City's bond counsel. The City agrees, however, that such fees and expenses of the City shall not exceed \$2,000.

3. Indemnity.

a. The Hospital hereby agrees to indemnify and save the City, its appointed or elected officials, employees and agents harmless against and from all claims by or on behalf of any person, firm, corporation or other legal entity arising from: the City's participation in the approval or issuance of the 2006 Bond; or the construction, acquisition, operation or use of the facilities financed with the 2006 Bond. The preceding sentence shall not, however, obligate the Hospital to indemnify any person or entity from claims arising directly from the gross negligence or willful misconduct of that person or entity.

b. If a claim is made against any indemnified person or entity (an "Indemnified Person") for which indemnification may be sought from the Hospital under this agreement, the Indemnified Person against whom the claim is made, or its agents, shall promptly give written notice thereof to the Hospital. However, any failure to give or delay in giving such written notice shall not relieve the Hospital's indemnification obligations as set forth above except to the extent such failure or delay prejudices the Hospital's ability to defend or settle such claim. Upon receipt of such notice, the Hospital shall assume the defense thereof in all respects and may settle such claim in such manner as it deems appropriate so long as there is no liability, cost or expense to the Indemnified Party. The Hospital shall select legal counsel to represent each Indemnified Party and

shall not be responsible for the legal fees and expenses of any legal counsel retained by any Indemnified Party without the written consent of the Hospital, unless the City shall have reasonably concluded that there may be a conflict of interest between the City and the Hospital in the conduct of the defense of such action (in which case the Hospital shall not have the right to direct the defense of such action on behalf of the City but shall be responsible for the legal fees and expenses of the counsel retained by the Indemnified Party whether incurred at trial, on appeal, in bankruptcy proceedings or otherwise).

**CITY OF WOODBURN, OREGON**

**SILVERTON HOSPITAL**

By:   
Authorized Representative

By:   
Authorized Representative

**COUNCIL BILL NO.**

**RESOLUTION NO.**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF WOODBURN, OREGON APPROVING THE ACTIONS OF THE BOARD OF DIRECTORS OF THE HOSPITAL FACILITY AUTHORITY OF THE CITY OF SILVERTON, OREGON; AND RELATED MATTERS.**

**WHEREAS**, the City Council of the City of Woodburn, Oregon makes the following findings based on representations made by the Hospital Facility Authority of the City of Silverton, Oregon (the "Authority") and Silverton Hospital, a nonprofit corporation organized and existing under the laws of the State of Oregon (the "Borrower"):

A. The Authority has received a request from the Borrower to issue a Health Facilities Revenue Note (Silverton Hospital Project), Series 2006 (the "2006 Bond"), in a principal amount not exceeding \$11,000,000 to finance or refinance the costs of the following projects: (i) to refund all or a portion of the Authority's Promissory Note, Series A (Silverton Hospital Project), dated December 29, 2000 and originally issued in the aggregate principal amount of \$10,000,000; (ii) to finance the costs of the acquisition of equipment, software and other intellectual property to provide and support patient care at Silverton Hospital and at the Tukwila Center for Health and Medicine and the Wellspring Medical Center; and (iii) to pay certain costs of issuance relating to the 2006 Bond (collectively, the "Project").

B. Section 147 of the Internal Revenue code of 1986 (the "Code"), requires that qualified 501(c)(3) bonds, such as the 2006 Bond, be approved (1) by the applicable elected representatives of the governmental unit having jurisdiction over the area in which Project is located; and (2) by the applicable elected representatives of the governmental unit issuing such bonds. The proposed Projects are located inside the municipal boundaries of the Cities of Woodburn and Silverton, Oregon. As a result, the Cities of Woodburn and Silverton, Oregon must each approve of the issuance of the 2006 Bond by the Authority.

C. On September 27, 2006 the Authority adopted a Bond Resolution approving the issuance of the 2006 Bond and the loan of the proceeds to the Borrower.

D. The Authority conducted a public hearing on September 27, 2006 regarding the issuance and sale of the 2006 Bond. A copy of the Public Hearing Report is attached hereto as Exhibit A (the "Public Hearing Report"). Notice of the public hearing was published in the *Silverton Appeal* and the *Woodburn Independent* on September 13, 2006. Affidavits of publication are attached hereto as Exhibit B. The public hearing is intended to provide a reasonable opportunity for members of the public to be heard by the Authority regarding the Project.

E. The Authority and the Borrower have requested that the City Council approve the issuance of the 2006 Bond by the Authority to satisfy the public approval requirements of Section 147(f) of the Code.

F. The City Council has been advised by bond counsel to the Authority that the principal of and interest on the 2006 Bond will not constitute a debt of the City of Woodburn, Oregon, and the Authority will structure the 2006 Bond so that the 2006 Bond will not be payable from a tax of any nature levied upon any property within the City of Woodburn, Oregon or any other political subdivision of the State of Oregon. The 2006 Bond will be payable only from the revenues and resources provided by the Borrower.

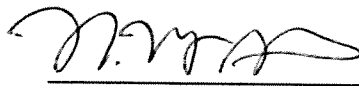
G. The City has reviewed the Affidavits of Publication and the Public Hearing Report attached hereto as Exhibit A. The Public Hearing Report indicates that no written comments were received and no members of the public appeared at the public hearing to express their views on the proposed Project.

**THE CITY OF WOODBURN RESOLVES AS FOLLOWS:**

The City Council hereby approves of the issuance, sale, execution and delivery of the 2006 Bond by the Hospital Facility Authority of the City of Silverton, Oregon for purposes of Section 147 of the Code.

This Resolution shall take effect immediately upon its adoption by the City Council.

Approved as to form:



City Attorney

10/5/2006  
Date

Approved: \_\_\_\_\_

Kathryn Figley, Mayor

Passed by the Council

Submitted to the Mayor

Approved by the Mayor

Filed in the Office of the Recorder

ATTEST: \_\_\_\_\_

Mary Tennant City Recorder  
City of Woodburn, Oregon

**EXHIBIT A**

**REPORT TO THE CITY COUNCIL  
OF THE CITY OF WOODBURN, OREGON**

**RE: Public Hearing Regarding the  
Hospital Facility Authority of the City of Silverton, Oregon  
Health Facilities Revenue Note  
(Silverton Hospital Project)  
Series 2006**

On September 27, 2006, the Board of Directors of the Hospital Facility Authority of the City of Silverton, Oregon (the "Authority") held a public hearing at Silverton Hospital, Cafe Conference Room, 342 Fairview Street, Silverton, Oregon 97381 pursuant to the provisions of Section 147(f) of the Internal Revenue Code of 1986. The Secretary of the Board of Directors of the Authority conducted such hearing for and on behalf of the Authority.

Notice of the public hearing was published September 13, 2006 in *Silverton Appeal* and the *Woodburn Independent*. The purpose of the public hearing was to receive oral or written comments from the public regarding the proposed issuance, sale, execution and delivery of a Health Facilities Revenue Note (Silverton Hospital Project), Series 2006 (the "2006 Bond"), in a principal amount not to exceed \$11,000,000.

At 4:12 p.m. the Secretary convened the public hearing and requested any oral or written comments.

No comments, written or oral, were submitted to the Secretary other than comments of representatives of Orrick, Herrington & Sutcliffe LLP, Bond Counsel and Special Counsel to the Authority, and Silverton Hospital who made presentations in support of the 2006 Bond. At approximately 4:18 p.m. the public hearing was adjourned.

Respectfully submitted,

**HOSPITAL FACILITY AUTHORITY OF  
THE CITY OF SILVERTON, OREGON**

By: 

John Webster  
Secretary, Board of Directors

DATED: September 27, 2006.

# Affidavit of Publication

STATE OF OREGON,

County of Marion

SS.

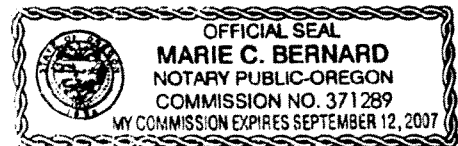
I, Nichole Lee DeBuse, being first duly sworn, depose and say I am General Manager, Woodburn Independent, a newspaper of general circulation as defined by ORS 193.010, and 193.020 printed and published at Woodburn in the aforesaid county and state, that the Notice of Public Hearing, a printed copy of which is hereto annexed, was published in the entire issue of said newspaper for the following issues: September 13, 2006.

Nichole Lee DeBuse

Subscribed and sworn to before me this 13th  
day of September, 2006

Marie C. Bernard

Notary Public for Oregon  
(My Commission Expires 9/12/07)





# Legal Notices

Authority of the City of Silverton, Oregon (the "Issuer") of its Revenue and Refunding Bonds, Series 2006 (Silverton Hospital Project) in an aggregate principal amount not to exceed \$11,000,000 (the "Bonds"). The issuance of the Bonds is subject to final approval by the Issuer and approvals by the City Councils of the cities of Silverton and Woodburn, Oregon.

The proceeds of the Bonds will be used to make a loan to the Silverton Hospital (the "Borrower") for the projects described below.

(1) *Refunding Component:* An amount not exceeding \$4,500,000 to refund the Issuer's outstanding Credit Agreement and Promissory Note, Series A (Silverton Hospital Project), which financed or refinanced construction, improvement and equipping of the Borrower's health care facilities and related equipment (the "2000 Project"), located at the Borrower's campus at 342 Fairview Street, Silverton, Oregon 97381; and

(2) *New Money Component:* A total amount not exceeding \$6,500,000 for the acquisition of equipment, software and other intellectual property to provide and support patient care (collectively, the "New Projects") at the following locations: (a) Silverton Hospital located at 342 Fairview Street, Silverton, Oregon 97381; (b) Tukwila Center for Health and Medicine located at 690 Glatt Circle, Woodburn, Oregon 97071; and (c) Wellspring Medical Center, 1475 Mt. Hood Avenue, Woodburn, Oregon 97071. Up to \$6,500,000 of bonds may be issued to finance assets at each of the locations indicated above, but not more than \$6,500,000 in the aggregate will be issued for the three locations collectively.

The Borrower will be the initial owner of all assets financed and refinanced by the Bonds.

Section 147(f) of the Internal Revenue Code of 1986, as amended, requires that the issuance of the Bonds be approved by the applicable elected representatives of (1) the governmental unit issuing the Bonds and (2) the governmental unit(s) having juris-

diction over the areas in which the Projects are located. For the Issuer to issue the Bonds, it is necessary that issuance of the Bonds be approved by both the City Council of the City of Silverton, Oregon, as the elected representatives of the governmental unit that is both issuing the Bonds and a governmental unit with jurisdiction over the area in which the 2000 Project and a portion of the New Projects are located, and the City Council of the City of Woodburn, Oregon, as a governmental unit having jurisdiction over the area in which a portion of the New Projects are located.

The principal of and interest on the Bonds will not constitute a debt of the cities of Silverton or Woodburn, Oregon, nor shall the Bonds be payable from a tax of any nature levied upon any property within the cities of Silverton or Woodburn, Oregon, nor within any other political subdivision of the State of Oregon. The Bonds will be payable only from the revenues and resources provided by the Borrower.

The purpose of the public hearing will be to provide a reasonable opportunity for members of the public to express their views, orally or in writing, regarding the issuance of the Bonds and the uses and purposes of the proceeds of the Bonds. The hearing will be conducted in a manner that provides a reasonable opportunity for persons with differing views to be heard on the question of the issuance of the Bonds. Written comments also may be delivered at the public hearing or mailed to the Authority at the address indicated above.

This notice is published pursuant to the public approval requirements of Section 147(f) of the Internal Revenue Code of 1986, as amended and the regulations and rulings issued thereunder.

**HOSPITAL FACILITY  
AUTHORITY OF THE CITY  
OF SILVERTON, OREGON**

Published September 13, 2006 in the Woodburn Independent and The Silverton Appeal not less than 14 days prior to the meeting date.

## NOTICE OF PUBLIC HEARING

September 27, 2006  
4:00 p.m.

Silverton Hospital  
Cafe Conference Room  
342 Fairview Street  
Silverton, Oregon 97381

A public hearing will be held on Wednesday, September 27, 2006, at 4:00 p.m. at Silverton Hospital, Cafe Conference Room, 342 Fairview Street, Silverton, Oregon 97381, with respect to the issuance by the Hospital Facility

September 27, 2006  
4:00 p.m.  
Silverton Hospital  
Cafe Conference Room  
342 Fairview Street  
Silverton, Oregon 97381

A public hearing will be held on Wednesday, September 27, 2006, at 4:00 p.m. at Silverton Hospital, Cafe Conference Room, 342 Fairview Street, Silverton, Oregon 97381, with respect to the issuance by the Hospital Facility Authority of the City of Silverton, Oregon (the "Issuer") of its Revenue and Refunding Bonds, Series 2006 (Silverton Hospital Project) in an aggregate principal amount not to exceed \$11,000,000 (the "Bonds"). The issuance of the Bonds is subject to final approval by the Issuer and approvals by the City Councils of the cities of Silverton and Woodburn, Oregon.

The proceeds of the Bonds will be used to make a loan to the Silverton Hospital (the "Borrower") for the projects described below.

(1) Refunding Component: An amount not exceeding \$4,500,000 to refund the Issuer's outstanding Credit Agreement and Promissory Note, Series A (Silverton Hospital Project), which financed or refinanced construction, improvement and equipping of the Borrower's health care facilities and related equipment (the "2000 Project"), located at the Borrower's campus at 342 Fairview Street, Silverton, Oregon 97381; and

(2) New Money Component: A total amount not exceeding \$6,500,000 for the acquisition of equipment, software and other intellectual property to provide and support patient care collectively, the "New Projects") at the following locations: (a) Silverton Hospital located at 342 Fairview Street, Silverton, Oregon 97381; (b) Tukwila Center for Health and Medicine located at 690 Glen Circle, Woodburn, Oregon 97071; and (c) Wallingford Medical Center, 14375 Mt. Hood Avenue, Woodburn, Oregon 97071. Up to \$6,500,000 of bonds may be issued to finance assets at each of the locations indicated above, but not more than \$6,500,000 in the aggregate will be issued for the three locations collectively.

The Borrower will be the initial owner of all assets financed and refinanced by the Bonds.

Section 147(f) of the Internal Revenue Code of 1986, as amended, requires that the issuance of the Bonds be approved by the applicable elected representatives of (1) the governmental unit issuing the Bonds and (2) the governmental unit(s) having jurisdiction over the areas in which the Projects are located. For the Issuer to issue the Bonds, it is necessary that issuance of the Bonds be approved by both the City Council of the City of Silverton, Oregon, as the elected representatives of the governmental unit that is both issuing the Bonds and a governmental unit with jurisdiction over the area in which the 2000 Project and a portion of the New Projects are located, and the City Council of the City of Woodburn, Oregon, as a governmental unit having jurisdiction over the area in which a portion of the New Projects are located.

The principal of and interest on the Bonds will not constitute a debt of the cities of Silverton or Woodburn, Oregon, nor shall the Bonds be payable from a tax of any nature levied upon any property within the cities of Silverton or Woodburn, Oregon, nor within any other political subdivision of the State of Oregon. The Bonds will be payable only from the revenues and resources provided by the Borrower.

# Affidavit of Publication

STATE OF OREGON,  
County of Marion, } ss.

I, Leah Thibau, being First duly sworn, dispose and say that I am the principal clerk of the East Valley Newspapers, publisher of The Silverton Appeal, a newspaper of general circulation as defined by ORS 192.010 and 193.0210; printed and Published at Silverton in the aforesaid county and state; that the

RE: PUBLIC NOTICE - SILVERTON HOSPITAL - Revenue Bond Hearing

Sherri Graves

Ad # 11315675

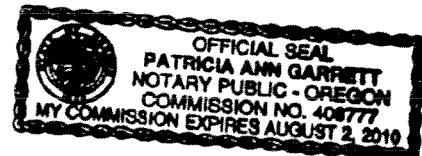
a printed copy of which is hereby annexed, was published in the entire issue of said newspaper for.....ONE.....successive and consecutive times in the following issues - September 13, 2006

Subscribed and sworn to me this 28<sup>th</sup>

Day of September, 2006

*Patricia Ann Garrett*  
Notary Public for Oregon

My Commission expires August 2, 2010



The purpose of the public hearing will be to provide a reasonable opportunity for members of the public to express their views, orally or in writing, regarding the issuance of the Bonds and the uses and purposes of the proceeds of the Bonds. The hearing will be conducted in a manner that provides a reasonable opportunity for persons with differing views to be heard on the question of the issuance of the Bonds. Written comments also may be delivered at the public hearing or mailed to the Authority at the address indicated above.

This notice is published pursuant to the public approval requirements of Section 147(f) of the Internal Revenue Code of 1986, as amended and the regulations and rulings issued thereunder.

Silverton Appeal

September 13, 2006

October 2, 2006

TO: Mayor and City Council through City Administrator  
FROM: Thomas P. Tennant, Captain <sup>TPT</sup>  
SUBJECT: **Liquor License New Outlet**

**RECOMMENDATION:**

The Woodburn City Council recommend that the OLCC approve a New Outlet application for The Bistro at WellSpring.

**BACKGROUND:**

Applicant: The Silverton Hospital  
1475 Mt. Hood Ave  
Woodburn, Or 97071  
503-873-1555

Business: The Bistro at WellSpring  
1475 Mt. Hood Ave  
Woodburn, Or 97071

Manager: Balogh, Philip  
1079 Jenah St SE  
Salem, Or. 97301  
503-365-0699

License Type: **Full On-Premise Sales** – Permits beer, wine, cider and hard alcohol sales for on-premise consumption only.

On September 15, 2006 the Woodburn Police Department received an application requesting approval for full on-premise sales license for the Bistro at WellSpring located at 1475 Mt. Hood Ave. The above-mentioned applicant is applying for a new outlet license.

Agenda Item Review:

City Administrator 

City Attorney 

Finance 

The business will be open from 7:00 am to 8:00 pm Sunday through Thursday and 7:00 am to 9:00 pm Friday and Saturday. There will be food service while the business is open, alcohol will be served from 11:00am through 8:00 pm. There will be an outdoor area available as weather permits. There will be no live music in the restaurant, but there may be live music in the banquet room for wedding's and other events. The police department has received no communication from the public or surrounding businesses in support of or against the change of ownership.

**DISCUSSION:**

The police department has completed a background investigation on the applicant and found nothing of a questionable nature, which would preclude the issuance of this Liquor License.

**FINANCIAL IMPACT:**

None

# OREGON LIQUOR CONTROL COMMISSION LIQUOR LICENSE APPLICATION

SEP 15 2006



PLEASE PRINT OR TYPE

Application is being made for:

## LICENSE TYPES

- ☒ Full On-Premises Sales (\$402.60/yr)
- ☐ Commercial Establishment
- ☐ Caterer
- ☐ Passenger Carrier
- ☐ Other Public Location
- ☐ Private Club
- ☐ Limited On-Premises Sales (\$202.60/yr)
- ☐ Off-Premises Sales (\$100/yr)
- ☐ with Fuel Pumps
- ☐ Brewery Public House (\$252.60)
- ☐ Winery (\$250/yr)
- ☐ Other: \_\_\_\_\_

## ACTIONS

- ☐ Change Ownership
- ☒ New Outlet
- ☐ Greater Privilege
- ☐ Additional Privilege
- ☐ Other \_\_\_\_\_

## Applying as:

- ☐ Individuals ☐ Limited Partnership ☒ Corporation ☐ Limited Liability Company

FOR CITY AND COUNTY USE ONLY

The city council or county commission:

(name of city or county)

recommends that this license be:

Granted ☐ Denied ☐

By: \_\_\_\_\_  
(signature) (date)

Name: \_\_\_\_\_

Title: \_\_\_\_\_

OLCC USE ONLY

Application Rec'd by: OLCC (Penning)

Date: 9/7/06 Pen

90-day authority: ☐ Yes ☐ No

1. Applicant(s): [See SECTION 1 of the Guide]

① THE SILVERTON HOSPITAL ③ \_\_\_\_\_

② \_\_\_\_\_ ④ \_\_\_\_\_

2. Trade Name (dba): THE BISTRO AT WOODBURN

3. Business Location: 1475 MT HOOD AVE WOODBURN MARION OR  
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: 342 FAIRVIEW AVE SILVERTON OR 97381  
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: 503-873-1555 503-873-1534  
(phone) (fax)

6. Is the business at this location currently licensed by OLCC? ☐ Yes ☒ No

7. If yes to whom: \_\_\_\_\_ Type of License: \_\_\_\_\_

8. Former Business Name: \_\_\_\_\_

9. Will you have a manager? ☒ Yes ☐ No Name: Philip Balogh  
(manager must fill out an individual history form)

10. What is the local governing body where your business is located? WOODBURN, OR  
(name of city or county)

11. Contact person for this application: Philip Balogh 503-873-1555  
(name) (phone number(s))  
342 FAIRVIEW AVE SILVERTON OR 503-873-1534 p.balogh@silvohosp.org  
(address) (fax number) (e-mail address)

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant(s) Signature(s) and Date:

① Philip Balogh Date 7-26-06 ③ \_\_\_\_\_  
OREGON LIQUOR CONTROL COMMISSION

② \_\_\_\_\_ Date \_\_\_\_\_ ④ \_\_\_\_\_

1-800-452-OLCC (6522)  
www.olcc.state.or.us

SEP 07 2006

SALEM REGIONAL OFFICE

06-17779

7-19-06 @ 1208

(24)

October 3, 2006

TO: Mayor and City Council through City Administrator  
FROM: Thomas P. Tennant, Captain *TPT*  
SUBJECT: **Liquor License New Outlet**

**RECOMMENDATION:**

The Woodburn City Council recommend that the OLCC approve a New Outlet application for The Cactus Grill Taqueria and Restaurant #2.

**BACKGROUND:**

Applicant: Cactus Grill Taqueria LLC  
1032 N. Pacific Hwy  
Woodburn, Or. 97071

Business: Cactus Grill Taqueria and Restaurant #2  
1615 Mt. Hood Ave  
Woodburn, Or. 97071  
503-982-3322

Owner: Medina, Veronica  
3255 Oak St.  
Hubbard, Or. 97032  
503-982-2469

Manager: Munoz Vasquez, Salvador  
1068 Depot CT  
Gervais, Or. 97026  
503-339-5505

License Type: **Limited On-Premises Sales:** permits beer, wine, and cider sales for on-premise consumption only, and the sale of kegs of malt beverages.

Agenda Item Review:

City Administrator *[Signature]*

City Attorney *NLS*

Finance *Ben*

On September 25, 2006 the Woodburn Police Department received an application requesting approval for a Limited On-Premises Sales license for the Cactus Grill Taqueria and Restaurant #2 located at 1615 Mt. Hood Ave. The above-mentioned applicant is applying for a new outlet license.

The business will be open from 8:00 am to 9:00 pm Monday through Thursday and 8:00 am to 10:00 pm Friday and Sunday. There will be food service while the business is open. There will be no live music in the restaurant, only recorded music or music from the radio. The owner currently owns and operates the Cactus Grill Taqueria and Restaurant located at 1032 N. Pacific Hwy, Woodburn, Or. The owner plans to operate both businesses at the present time. The police department has received no communication from the public or surrounding businesses in support of or against the change of ownership.

**DISCUSSION:**

The police department has completed a background investigation on the applicant and found nothing of a questionable nature, which would preclude the issuance of this Liquor License.

**FINANCIAL IMPACT:**

None



OREGON LIQUOR CONTROL COMMISSION  
LIQUOR LICENSE APPLICATION

SEP 25 2006

\$100  
07-17596



PLEASE PRINT OR TYPE

Application is being made for:

LICENSE TYPES

- ☐ Full On-Premises Sales (\$402.60/yr)  
☐ Commercial Establishment  
☐ Caterer  
☐ Passenger Carrier  
☐ Other Public Location  
☐ Private Club  
☒ Limited On-Premises Sales (\$202.60/yr)  
☐ Off-Premises Sales (\$100/yr)  
☐ with Fuel Pumps  
☐ Brewery Public House (\$252.60)  
☐ Winery (\$250/yr)  
☐ Other: \_\_\_\_\_

ACTIONS

- ☐ Change Ownership  
☒ New Outlet  
☐ Greater Privilege  
☒ Additional Privilege  
☐ Other \_\_\_\_\_

FINANCIAL  
CITY OF

FOR CITY AND COUNTY USE ONLY

The city council or county commission:

(name of city or county)

recommends that this license be:

Granted ☐ Denied ☐

By:

(signature)

(date)

Name:

Title:

OLCC USE ONLY

Application Rec'd by:

Date:

90-day authority: ☐ Yes ☐ No

Applying as:

- ☐ Individuals ☐ Limited Partnership ☐ Corporation ☒ Limited Liability Company

1. Applicant(s): [See SECTION 1 of the Guide]

① Salvador Muñoz Vasquez ③ Cactus Grill Taqueria LLC  
② Veronica Medina ④ \_\_\_\_\_

2. Trade Name (dba): Cactus Grill Taqueria and restaurant #2

3. Business Location: 1615 Mt Hood av Woodburn marion OR 97071  
(number, street, rural route) (city) (county) (state) (ZIP code)

4. Business Mailing Address: Same as above  
(PO box, number, street, rural route) (city) (state) (ZIP code)

5. Business Numbers: 503 982 33 22 503-982 2468  
(phone) (fax)

6. Is the business at this location currently licensed by OLCC? ☐ Yes ☒ No

7. If yes to whom: \_\_\_\_\_ Type of License: \_\_\_\_\_

8. Former Business Name: \_\_\_\_\_

9. Will you have a manager? ☒ Yes ☐ No Name: Salvador Muñoz Vasquez  
(manager must fill out an individual history form)

10. What is the local governing body where your business is located? City of woodburn, OR  
(name of city or county)

11. Contact person for this application: Veronica Medina 503 951 0296  
(name) (phone number(s))  
3255 Oak St Hubbard OR 503 982 2468  
(address) (fax number) (e-mail address)

I understand that if my answers are not true and complete, the OLCC may deny my license application.

Applicant(s) Signature(s) and Date:

① Salvador Muñoz Vasquez Date 9-11-06 ③ \_\_\_\_\_ Date \_\_\_\_\_  
② Veronica Medina Date 9-11-06 ④ \_\_\_\_\_ Date \_\_\_\_\_

1-800-452-OLCC (6522)  
www.olcc.state.or.us

06-18309  
9-29-06 @ 11/05

October 9, 2006

TO: Honorable Mayor and City Council through City Administrator  
FROM: John C. Brown, City Administrator  
SUBJECT: **Agreement for Consulting Services with Winterbrook Planning**

**RECOMMENDATION:**

Authorize the City Administrator to execute the attached Amended Agreement for Consulting Services with Winterbrook Planning, and any related documents, for fiscal year 2006-07.

**BACKGROUND:**

You considered an agenda item regarding the referenced subject at your September 25, 2006 meeting. The item requested two actions:

1. authorize the City Administrator to execute an amended agreement for Consulting Services with Winterbrook Planning for fiscal year 2006-07; and
2. adopt a resolution approving the transfer of 10,000 from General Fund Contingencies to the Planning budget.

The Council discussed and indicated approval of both matters, but formal action was taken only on the contingency fund transfer.

**DISCUSSION:**

This matter is placed on your agenda to obtain formal approval of the contract amendment discussed at your September 25, 2006 meeting. Based on conversations with Winterbrook Planning last week, the attached document differs in two areas from the one that was presented to you in September:

- "Whereas" provisions and "Scope of Work" reflect compensation due the consultant for work completed in 2005-06 related to the Marion County review process; and

Agenda Item Review: City Administrator \_\_\_\_\_

City Attorney MS

Finance Ben

- Consultant's fees are updated to reflect current year hourly rates. These are eight (\$8) and seven (\$7) dollars per hour higher, and one (-\$1) dollar per hour lower, respectively, for the Principal Planner, Planning Assistant, and Project Assistant. The Senior Planner position, and associated hourly rate, are removed from the schedule in 2006-07, based on anticipated use.

These changes have no material effect on the agreement, and do not change the total compensation amount presented at your last meeting.

**FINANCIAL IMPACT:**

The attached agreement increases total compensation for Winterbrook under the August 2004 contract to \$100,000 and provides compensation for services to be provided in fiscal year 2006-07 in an amount not to exceed \$10,000. Funds were transferred from Contingencies to the Planning budget at your last meeting to support this cost.

**ADDENDUM TO AGREEMENT  
FOR CONSULTING SERVICES  
BETWEEN CITY OF WOODBURN  
AND WINTEROWD & BROOKS, LLC**

**THIS ADDENDUM TO AGREEMENT** is entered into between the City of Woodburn, an Oregon municipal corporation, hereinafter referred to as "City," and Winterowd & Brooks, LLC, dba Winterbrook Planning, hereinafter referred to as "Consultant."

**RECITALS**

**WHEREAS**, in August 2004 the City and Consultant executed an agreement for fiscal year 2004-05 (the "Existing Agreement"), a copy of which is attached hereto as Exhibit "A" and incorporated herein; and

**WHEREAS**, in June 2005, the Agreement was amended to increase the not-to-exceed amount to \$35,000 and expanded the scope of Consultant's services to the City, a copy of which is attached as Exhibit "B" and incorporated herein; and

**WHEREAS**, in December 2005, the Agreement was amended to further expand the scope of Consultant's services and increased the not-to-exceed amount to \$80,000, a copy of which is attached as Exhibit "C" and incorporated herein; and

**WHEREAS**, in March 2006, the Agreement was amended to further expand the scope of Consultant's services and increased the not-to-exceed amount to \$90,000, a copy of which is attached as Exhibit "D" and incorporated herein; and

**WHEREAS**, Consultant completed work in excess of the not-to-exceed limit in 2005-06 related to completing the Marion County review process, which was not compensated in 2005-06 but for which payment is due; and

**WHEREAS**, it is necessary to increase the not-to-exceed amount by \$10,000 to \$100,000, to compensate Consultant for services provided in 2005-06 related to the Marion county review process and for anticipated costs associated with the review and adoption of the Woodburn Periodic Review and Urban Growth Boundary amendment package for fiscal years 2005-06 and 2006-07.

**NOW, THEREFORE**, City and Consultant agree as follows:

Section 1. SCOPE OF WORK, contained in the Existing Agreement is revised to read as follows:

## SCOPE OF WORK

Under the direction of the Community Development Director or City Administrator, Consultant will assist City in completing the following tasks:

Task 1: Complete County review process (completed, but not compensated, in 2005-06).

Task 2. Participate in meetings and teleconferences between City and DLCD staff, regarding DLCD's review of the record, objections to the record, and preparation of the DLCD staff report to LCDC

Task 3. Prepare, as necessary, an annotated table showing where each objection raised as an issue by DLCD is addressed in the periodic review record

Task 4. Respond to questions that arise during DLCD review process

Task 5. Coordinate with City to prepare written responses to key objections for presentation to LCDC

TASK 6. Represent the City in the LCDC hearing process including presentation, addressing key objections, and responding to questions

TASK 7. Perform related tasks as directed

Section 2. CONSIDERATION, contained in the Existing Agreement is revised to read as follows:

### CONSIDERATION

City shall pay Consultant a sum under the existing and amended agreements not to exceed \$100,000 for all Consultant services. However, compensation may be less than such maximum amount and shall actually be determined on a time-and-expense basis for labor and direct expenses Consultant incurs, as follows:

#### Professional Services:

Principal Planner	\$138.00
Planning Technician	\$ 67.00
Project Assistant	\$ 59.00

Expenses: Mileage will be reimbursed at the federal maximum per mile (\$.48 in 2005); photocopies at \$0.15 per page; faxes and scanning at \$1.00 per page; and direct expenses such as postage, long distance phone calls, etc., at cost.

Consultant will submit a monthly invoice to City indicating costs and expenses incurred. The invoice shall include a summary of services provided. City agrees to review the invoice, and to notify Consultant of any questions or disagreements

City might have with the invoice within ten days after receipt of the invoice. After the ten-day period, or after questions or disagreements noted during the ten-day period have been resolved to the satisfaction of the parties, the work performed during the period covered by the invoice shall be considered satisfactory by City. Payment of the invoice shall be within 30 days of accepting the invoice as satisfactory.

With the exceptions of the modifications approved by the parties in this Addendum to Agreement, the Existing Agreement remains in full force and effect.

WINTEROWD & BROOKS, LLC

CITY OF WOODBURN

By: \_\_\_\_\_  
Gregory Winterowd

By: \_\_\_\_\_  
John C. Brown

Title: \_\_\_\_\_

Title: \_\_\_\_\_


Date: \_\_\_\_\_

Date: \_\_\_\_\_

## Agenda Item

September 25, 2006

TO: Honorable Mayor and City Council through City Administrator

FROM: Jim Allen, Community Development Director 

SUBJECT: Planning Commission's Approval of Partition 06-04, Variance 06-07, and Variance 06-13, located at 847 N. Cascade Drive.

### **RECOMMENDATION:**

No action is recommended. This item is placed before the City Council for information purposes in compliance with the Woodburn Development Ordinance. The City Council may call up this item for review if it desires.

### **BACKGROUND:**

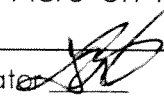
On September 28, 2006, the Planning Commission adopted a final order approving Partition 06-04, Variance 06-07, and Variance 06-13, to authorize the creation of three (3) parcels, a variance to orient Parcel #1 toward the shared access easement instead of Cascade Drive and a variance to the street improvements on N. Cascade Drive, Evan Nikiforoff, applicant.

The subject site can be identified as Tax lot # 2002 on Marion County Assessor Map Township 5 South, Range 2 West, Section 12DA. The property is 0.57 acre and is currently developed with a single-family dwelling and a detached garage and shop structure. The applicant proposes to remove the existing single-family dwelling and detached accessory structure and partition the lot into 3 parcels.

Parcel 1 is an interior lot and Parcels 2 and 3 are flag lots. The submitted partition plan shows Parcels 1, 2 and 3 designed to share access to N. Cascade Drive via a 24-foot wide shared access easement located across the southern portion of Parcel 1 and the eastern portion of Parcel 2. Parcel 1 is 7,450 square feet (excluding the 24-foot wide access easement), Parcel 2 is 6,200 square feet (excluding the 24-foot wide access easement), and Parcel 3 is 7,688 square feet.

The subject property is zoned Single-Family Residential (RS) and designated Residential Less than 12 Units Per Acre on the Woodburn Comprehensive Plan

Agenda Item Review:

City Administrator 

City Attorney 

Finance 

Map. The properties to the north and south of the site are zoned Medium-Density Residential (RM) and Retirement Community Single-Family Residential (R1S) and designated Residential Greater than 12 Units Per Acre and Residential Less than 12 Units Per Acre on the Woodburn Comprehensive Plan Map. The property to the north is currently vacant and the property to the south is developed with a single-family dwelling. The property to the west and southwest is zoned Public and Semi-Public (P/SP), designated Open Space and Parks on the Comprehensive Plan Map and is developed as the Senior Estates County Club Golf Course. The property to the east (across N. Cascade Drive) is zoned RM, designated Commercial on the Comprehensive Plan Map, and is the location of the Cascade Park Retirement Center. The Woodburn Local Wetland Inventory shows no wetlands located on the site. According to Flood Insurance Rate Map (FIRM) 41047C0138G, the subject property is located outside the 500-year FEMA floodplain.

A prior land use decision exists on the subject property. On July 9, 2002, the Woodburn City Council approved Ordinance No. 2322 (CPMA Case File No. 01-02, ZC Case File No. 01-05, SPR Case File No. 01-13 and PAR Case File No. 01-07) for a conditional Comprehensive Plan Map and Zoning Map amendment on proposed Parcels 1 and 2 from Residential Less Than 12 Units Per Acre and Single-family Residential to Residential Greater than 12 Units Per Acre and Medium-density Residential, Preliminary Partition approval for a 3-lot partition and Site Plan Review for two 15-bed residential care facilities to be located on created Parcels 1 and 2. The subject property is Parcel 3 resulting from Ordinance No. 2322.

The applicant is Evan Nikiforoff.

The property owner is Evan's Construction Siding Corp.

**DISCUSSION:**

None.

**FINANCIAL IMPACT:**

There is no financial impact associated with the recommended action.